

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR., and
JANE DOE,

Plaintiffs,

vs.

FATHER ERIC ENSEY,
FATHER CARLOS URRUTIGOITY,
DIOCESE OF SCRANTON,
BISHOP JAMES C. TIMLIN,
THE SOCIETY OF ST. JOHN,
THE PRIESTLY FRATERNITY
OF ST. PETER and ST. GREGORY'S
ACADEMY,

Defendants.

NO. 3 CV 02-0444

(JONES, D.J.)

FILED
SCRANTON

JUN 01 2004

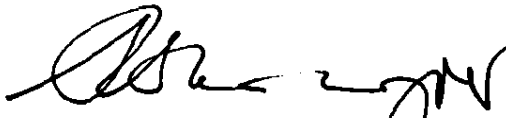
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**AFFIDAVIT OF JOSEPH F. LEESON, JR. IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT OF THE
PRIESTLY FRATERNITY OF ST. PETER AND ST. GREGORY'S ACADEMY**

JOSEPH F. LEESON, JR., ESQUIRE, being duly sworn according to law, does depose and
state that the following is true and correct:


1. He is counsel for the defendants, The Priestly Fraternity of St. Peter and St. Gregory's Academy.
2. Attached hereto as Exhibit "A" is a true and correct copy of the deposition transcript of John Doe taken on April 30, 2003.

3. The real name of John Doe is set forth in the deposition transcript dated Wednesday, April 30, 2003.

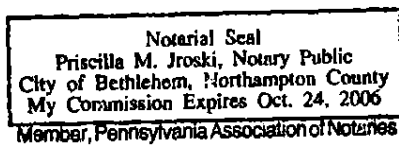

JOSEPH F. LEESON, JR.

SWORN TO and subscribed before

me this 28th day of May, 2004.


NOTARY PUBLIC

My Commission Expires:



Michael F. Prorock - 4/30/03IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAJOHN DOE, JOHN DOE, SR.,)
and JANE DOE,)

Plaintiff)

-vs-)

FATHER ERIC ENSEY,)
FATHER CARLOS)
URRUTIGOITY, DIOCESE OF)
SCRANTON, BISHOP JAMES C.)
TIMLIN, THE SOCIETY OF)
ST. JOHN, THE PRIESTLY)
FRATERNITY OF ST. PETER)
and ST. GREGORY'S)
ACADEMY,)Defendant.) NO. 3:CV-02-0444
x**DEPOSITION TESTIMONY OF****MICHAEL F. PROROCK**

WEDNESDAY, APRIL 30, 2003

FOLEY, COGNETTI, COMERFORD & CIMINI
507 LINDEN STREET
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(570) 558-3011 (800) 570-3773
FAX (570) 558-3014**STIPULATIONS**It was agreed by and between counsel that
all objections, except as to the form of the
question, will be reserved until the time of trial.It was further agreed that the sealing and
filing of the deposition transcript will be waived.**INDEX OF WITNESSES****EXAMINATION****PAGE NUMBER**

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COUNSEL PRESENT:**On behalf of the Plaintiff:**JAMES BENDELL, ESQ.
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Port Townsend, WA 98368- and -
HARRY T. COLEMAN, ESQ.
148 Adams Avenue
Scranton, PA 18503**On behalf of Defendant Father Eric Ensey, Father
Carlos Urrutigoity and The Society of St. John:**FOLEY, COGNETTI, COMERFORD & CIMINI
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Scranton, PA 18503**On behalf of Defendant Diocese of Scranton and
Bishop James C. Timlin:**JAMES E. O'BRIEN, JR., ESQ.
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Scranton, PA 18503**On behalf of Defendant The Priestly Fraternity of
St. Peter and St. Gregory's Academy:**LEESON & LEESON
BY: JOSEPH F. LEESON, JR., ESQ.
70 East Broad Street
Bethlehem, PA 18016
- and -
JOSEPH F. GAUGHAN, ESQ.
Suite 203
300 Mulberry Street
Scranton, PA 18503**ALSO PRESENT:**Father Eric Ensey
Father Carlos Urrutigoity
Thomas Prorock
Shayne Prorock
Michael Gleason

1 **MICHAEL F. PROROCK**

2 **WAS CALLED, AND HAVING BEEN DULY SWORN,**

3 **WAS EXAMINED AND TESTIFIED AS FOLLOWS:**

4

5 **EXAMINATION BY MR. COGNETTI:**

6 Q. Mr. Prorock, have you ever been deposed

7 before?

8 A. No.

9 Q. All right. Let me just give you some

10 of the generally accepted rules of depositions. I'm

11 going to be asking you a series of questions, and I'm

12 going to assume that if you answer my question, you

13 understood my question. Okay?

14 A. Yes.

15 Q. If at any point you wish to consult

16 with your attorney, please so indicate.

17 A. Okay.

18 Q. If you don't understand a question,

19 please so indicate.

20 A. Okay.

21 MR. COGNETTI: Do you want him to

22 sign?

23 MR. BENDELL: Yes.

24 MR. COGNETTI: And I guess, Harry,

25 typical.

4

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<p>1 MR. COLEMAN: Usual stipulations 2 will be acceptable. 3 MR. COGNETTI: Okay. 4 BY MR. COGNETTI: 5 Q. Mr. Prorock, we're going to start with 6 some general background information about yourself. 7 What is your full name? 8 A. Michael Francis Prorock. 9 Q. And what is your present address? 10 A. 121 Benedict Lane, Raleigh, North 11 Carolina. 12 Q. Are you employed? 13 A. Yes. 14 Q. How are you employed? 15 A. I work at Bruegger's Bagels, 16 Hillsborough Street in Raleigh. 17 Q. And how long have you been employed? 18 A. Several months now there. 19 Q. What is your Social Security number? 20 A. 237-55-7976. 21 Q. And your telephone number? 22 A. (919) 676-3745. 23 Q. All right. Now, where did you go to 24 grade school? 25 A. I went to grade school first at O'Dell</p>	<p>7 1 A. Concord, North Carolina, as well. 2 Q. How long did you attend that school? 3 A. I was there for third and fourth grade. 4 Q. And then where did you go after that? 5 A. To Cathedral School. It's in Raleigh, 6 North Carolina. 7 Q. How long did you attend that? 8 A. Fifth through eighth grade. 9 Q. What was your academic performance 10 during your first eight years of grade school? 11 A. I believe pretty fair, an A, B student. 12 Q. Did you engage in any activities? 13 A. I played baseball, basketball. I swam 14 a little bit, I believe, on the swim team. I started 15 a chess club at Cathedral School. I was involved 16 with computers, so on and so forth. 17 Q. Who were your friends during grade 18 school? 19 A. I had a couple of friends in my 20 classes, most -- the ones that I remember most were 21 while I was at Cathedral. Are you looking for names? 22 Q. Yes, sir. 23 A. Okay. Matthew O'Neill, Paul Hilliard, 24 Brian Hildebrand. 25 Q. Have you kept in contact with those</p>
<p>6 1 Elementary for kindergarten, first and second grade. 2 Then for third and fourth grade, I was at Cabarrus 3 Academy in Concord, North Carolina. 4 Q. Okay. Let's go back to -- 5 MR. LEESON: Excuse me. Could you 6 speak a little louder, please. 7 THE WITNESS: Sorry. 8 MR. LEESON: I'm having a hard time 9 hearing you. 10 THE WITNESS: First was O'Dell. I 11 think you guys got that. 12 BY MR. COGNETTI: 13 Q. Let's stop at O'Dell. Could you spell 14 O'Dell for the benefit of the stenographer? 15 A. I believe it's O-D-E-L-L. 16 Q. And where is that located? 17 A. In Concord, North Carolina. 18 Q. And you went there for? 19 A. Kindergarten, first and second grade. 20 Q. Where did you go after that? 21 A. To Cabarrus Academy. 22 Q. And how do you spell that? 23 A. C-A-B-A-R-U-S (sic), I believe. I'm 24 not exactly positive. 25 Q. And where is that located?</p>	<p>8 1 individuals? 2 A. Matthew O'Neill to some degree. I've 3 seen him several times. He's also at North Carolina 4 State University with me. 5 Q. And the other two individuals? 6 A. I've seen here and there. They're at 7 University Dallas, so we really haven't kept in 8 touch. 9 Q. Were you ever disciplined in grade 10 school? 11 A. Probably. I don't think for anything 12 major, though. I don't believe I ever had any 13 suspensions or anything like that. 14 Q. Did you work when you were in grade 15 school? 16 A. No. 17 Q. Did you participate in any activities 18 outside the school structure? 19 A. YMCA league, baseball and basketball. 20 Q. Where is that YMCA located? 21 A. Raleigh, North Carolina. 22 Q. When you were in grade school, did you 23 have any illnesses? 24 A. The flu several times. I believe it 25 was athletically-induced asthma. I had some</p>

<p>1 difficulty with that. No major illnesses or 2 hospitalizations. 3 Q. Did you have a family doctor? 4 A. Kind of. I don't know the name. We 5 had several. 6 Q. You don't recall the family doctor? 7 A. Not their name, no. 8 Q. Were you ever hospitalized during grade 9 school? 10 A. Not that I'm aware of. 11 Q. After grade school, what high school 12 did you attend? 13 A. St. Gregory's Academy. 14 Q. When you were attending St. Gregory's, 15 did you have any employment? 16 A. I was sort of working during the 17 summers while I was at home in Raleigh, North 18 Carolina, at K-Mart, which is on Six Forks Road in 19 Raleigh. 20 Q. What summer did you start working? 21 A. I believe the summer between my 22 freshman and sophomore year. 23 Q. Did you continue to work year round? 24 A. Yes. 25 Q. Later years?</p>	<p>9 1 Carolina. 2 Q. And how long did you work there? 3 A. Off and on for, I believe, about two 4 years. 5 Q. And I believe you graduated in -- 6 A. '99. 7 Q. -- '99. Okay. After Lowe's? 8 A. I worked at Raleighwood, which is a 9 movie theater, dinner, restaurant, and I cooked 10 there, as well as took tickets. At the same time, I 11 was also holding a job at Honey Baked Hams, Raleigh, 12 North Carolina. Then from there, I went back to 13 Lowe's for a little while. I left Lowe's and worked 14 at Westgate Deli briefly. 15 Q. Where is Westgate Deli located? 16 A. In Raleigh, North Carolina. And then 17 after I worked there, I worked at Borders for about a 18 week, which is in Raleigh, North Carolina, as well. 19 Q. Anything else? 20 A. Since then -- I'm trying to think if 21 there's anything else in between there. I worked at 22 Edible Art Bakery & Cafe in Raleigh, North Carolina, 23 and then I went to my present job at Bruegger's. 24 Q. Have you ever been fired from any of 25 your employments?</p>
<p>10 1 A. Yes. 2 Q. At K-Mart? 3 A. I worked at K-Mart off and on. I also 4 worked for my high school girlfriend's father at EMI 5 Electronics. 6 Q. Who was that? 7 A. Amber Tomachek. 8 Q. Where is she located? 9 A. Raleigh, North Carolina. 10 Q. And what did you do at K-Mart? 11 A. At K-Mart, I stocked shelves, unloaded 12 trucks and worked generally with customer service. 13 Q. What did you do at the electronic -- 14 A. I was a VCR technician. 15 Q. Did you have any other employment 16 during high school? 17 A. Not during high school, no -- mowing 18 lawns. Sorry. 19 Q. After completing high school, did you 20 have any employment? 21 A. Yes. 22 Q. Could you give us a chronology of your 23 employment since graduating high school? 24 A. The summer after I graduated, I began 25 to work at Lowe's Home Improvement in Raleigh, North</p>	<p>12 1 A. No. 2 Q. Suspended or disciplined? 3 A. No. 4 Q. Were you hospitalized -- 5 A. I remembered one more. I did work at 6 Office Max briefly in between Westgate Deli, just 7 after I worked at Westgate Deli. 8 Q. All right. Well, going through the 9 chronology, could you tell us why you left each 10 employment? 11 A. I left K-Mart simply because better 12 money was available working for my ex-girlfriend's 13 father and went back there and continued to work 14 there. Then when I became 18, I was eligible for a 15 job to work at Lowe's. One of my co-workers had 16 already gone over there, so I went over there, as 17 well. The pay was better, and it was a better work 18 environment. 19 I left Lowe's -- and intermittently I 20 needed some breaks, obviously, for school and 21 whatnot. I left Lowe's for two reasons: One was 22 drinking, and I knew it would probably catch up with 23 me there, and also for physical pain with my back and 24 my knees. The heavy lifting was getting to be a bit 25 much. All the other businesses I left due to</p>

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13

15

1 drinking.

2 Q. When you were in high school, were you
3 ever treated by any physician?

4 A. Knee doctors, an orthopaedic surgeon
5 here in Scranton -- and I'm not sure of his
6 name -- Dr. Boone in Raleigh, North Carolina, for my
7 knees, and I saw a local doctor here for an arm
8 injury. I believe I saw a doctor once for the flu.
9 I was hospitalized once for the flu.

10 Q. Do you remember the name of that
11 doctor --

12 A. No.

13 Q. -- who you saw locally?

14 A. No.

15 Q. Were you ever hospitalized during your
16 high school years?

17 A. For knee injuries twice, for an arm
18 injury once and for the flu once.

19 Q. Tell us where you were hospitalized.

20 A. I believe it was here at Mercy or one
21 of the hospitals here in Scranton, and it was
22 Emergency Room visits. It wasn't like overnight
23 stays or anything like that.

24 Q. And that was for your arm?

25 A. Once for my arm, I believe twice for my

1 believe, three days in the Intensive Care Unit. I

2 believe the length of stay each time at Holly Hill.

3 Charter was one week, give or take a day over, a day
4 under.

5 I also spent two months down in
6 Transitions Recovery, which is a rehab in
7 Miami -- North Miami Beach, Florida. That was in
8 2001 following the second. I believe I went down
9 right at the end of April, and I came back two months
10 later. I'm not aware of any other hospitalizations.

11 Q. You've given a description of some
12 treatment facilities that you attended. Did you
13 attend any other treatment facilities?

14 A. I had a brief meeting at -- I don't
15 know. I want to say it's called South Light -- or
16 Pathways Recovery, I believe it is, in Raleigh, North
17 Carolina. I had a brief meeting considering going
18 into an outpatient treatment there after my stay at
19 Transitions and decided against it.

20 Q. When was the first time that you sought
21 professional help for your drinking?

22 A. The first time I sought professional
23 help was -- I guess it would be March 2001, when I
24 was taken to Holly Hill. I believe I was sent over
25 there from Wake Med. I'm not exactly sure on the

14

16

1 knee and then once for a severe case of the flu and
2 dehydration.

3 Q. Any other hospitalizations?

4 A. While I was in high school, I was
5 hospitalized down at Wake Medical, I believe it was,
6 in Raleigh, North Carolina, for knee surgery.

7 Q. What is that called, sir?

8 A. Wake.

9 Q. W-A-K-E?

10 A. Yes.

11 Q. Since graduation from high school until
12 the present day, have you been hospitalized?

13 A. Yes.

14 Q. Could you give us the dates of your
15 hospitalization?

16 A. I was hospitalized, I believe, once at
17 the end of March at Holly Hill Charter in Raleigh,
18 North Carolina.

19 Q. March of what year, sir?

20 A. March of 2001, I believe. And, again,
21 in April, at the same location, both times for
22 suicide attempts and detox. I was hospitalized prior
23 to the second time there, which is in April of 2001,
24 for intentional drug overdose and alcohol
25 detoxification at Wake Medical, again. I spent, I

1 details.

2 Q. Do you have any brothers or sisters?

3 A. Yes.

4 Q. Could you tell us who they are and
5 where they are?

6 A. Okay. I have a brother, Dan, who's 20.
7 He is in Raleigh, North Carolina, same address as
8 mine.

9 Q. Is he attending school, or is he
10 employed?

11 A. He's at Wake Technical Community
12 College in Raleigh. I have a brother, John, who is
13 17, and he is at Friendship Christian Academy,
14 Raleigh, North Carolina. I have a sister, Anna, who
15 is at North Raleigh Christian Academy. She's 15 or
16 16. I'm just a little nervous right now, so I'm
17 having --

18 Q. Mr. Prorock, we've just gone through
19 your personal history. Have you ever gone through
20 this process before by providing anybody with your
21 personal history?

22 A. I provided a written set of
23 interrogatories, I believe, for you and the rest of
24 the lawyers here. I did for my lawyer, and then I
25 did for -- at an -- I don't know exactly what to call

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17

1 it -- an interview with a representative from the
2 District Attorney of Lackawanna County and two police
3 officers.

4 Q. When you were hospitalized or
5 participated in any of these treatment facilities,
6 did you provide them a personal history?

7 A. Yes.

8 Q. And did you go over the same materials
9 that we have just gone over?

10 A. Yes, as far as I recall.

11 Q. And I assume you were truthful with
12 them --

13 A. Yes.

14 Q. -- when you went over that stuff?

15 A. Yes.

16 Q. You were truthful with them?

17 A. Yes.

18 Q. When did you first meet Jeff Bond?

19 A. I first met him, I believe, in
20 '98 -- or probably '99. He gave a -- I met him very
21 briefly. He gave a talk on the Iliad and the Odyssey
22 at St. Gregory's Academy for the Society of St. John.
23 I met him briefly then, and I got to know him on a
24 reasonably personal level to some degree while I was
25 staying with the Society of St. John in, I guess that

18

1 would be 2000, the Fall of 2000.

2 Q. Well, tell us under what circumstances
3 you got to know him in the year 2000.

4 A. He was staying at the Society -- or
5 living near the Society. As I understand it, they
6 had asked him to begin a college for them, so I
7 chatted with him myself, being on the property, as
8 well. It was mostly discussion of literary things
9 and so on and so forth.

10 Q. And when did you leave the Shohola
11 property?

12 A. October or early November of, I
13 believe, it was 2000, whichever -- I'm pretty sure it
14 was 2000.

15 Q. Have you kept in contact with Mr. Bond
16 since then?

17 A. I have spoken with him, I believe, only
18 once, and I have maybe sent two or three e-mails to
19 him.

20 Q. On what occasion did you speak to him?

21 A. He called me last year -- I'm not sure
22 of the exact time or date or anything like
23 that -- asking me concerning my leaving the Society
24 of St. John property, since I left hastily, and I
25 spoke with him at some length.

19

1 Q. Did you tell him at that time the
2 allegations you were making against the Society and
3 Father Eric --

4 A. I discussed with him --

5 Q. -- and Father Carlos?

6 MR. BENDELL: Wait until he finishes
7 asking the question before you begin
8 answering.

9 THE WITNESS: I discussed with him in
10 some detail what had happened to me.

11 BY MR. COGNETTI:

12 Q. And at that point in time, you had not
13 had that discussion with your parents?

14 A. No, I had not.

15 Q. And at that point in time, you had not
16 had a discussion with anybody else concerning those
17 allegations?

18 A. I had, actually. I had discussed it
19 with my ex-girlfriend, Mildred Breedlove. I
20 discussed some of the events that happened. By that
21 time, I may have discussed them in full, I'm not
22 sure, or in reasonable fullness. I had also
23 discussed them with a friend of mine, Michael McMoil.

24 Q. All right. Let's go back in time.
25 Now, who is the first person you informed about these

20

1 allegations?

2 A. That would be Mildred Breedlove.

3 Q. And when was that?

4 A. Some time in the Summer of 2000.

5 Q. Who was the next person you confided
6 these allegations to?

7 A. Michael McMoil.

8 Q. When was that?

9 A. In, say, Fall of 2001, Fall or Winter,
10 shortly after returning from Society's property.

11 Q. And was the next person you discussed
12 it with Jeff Bond?

13 A. Yes.

14 Q. So it would have been the Fall of 2000?

15 A. No, it -- that I discussed with him?

16 Q. Yes.

17 A. No, it was last year, 2000 -- Fall of
18 2001, maybe, Fall, Winter.

19 Q. Of 2001?

20 A. I'm trying to -- yes.

21 Q. Did you discuss it with Mr. Bond before
22 you participated in any hospitalization or drug
23 alcohol treatment?

24 A. No, sir. It was after.

25 Q. It was after that?

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1 A. Yes.
 2 Q. Did you reveal these allegations in
 3 seeking treatment with any --
 4 A. Yes.
 5 Q. So it went from Breadlove --
 6 A. Breedlove.
 7 Q. Breedlove. I'm sorry.
 8 A. To Mr. McMoil to my counselors at both
 9 Holly Hill Charter and Transitions Recovery. Sorry.
 10 I forgot that.
 11 Q. When was the last time you spoke to
 12 Mr. Bond?
 13 A. Probably over a year ago. It was quite
 14 some time ago.
 15 Q. But you had a discussion with Mr. Bond
 16 prior to having any discussion with your parents?
 17 A. Yes.
 18 Q. Or your family priest?
 19 A. Yes.
 20 Q. Are you sure that was prior to you
 21 seeking treatment?
 22 A. No, I said it was after.
 23 Q. It was after. Are you sure of that?
 24 A. The last time I sought treatment was in
 25 May of 2001. It was well after that. Yes.

22

1 Q. Now, what did you do to prepare for
 2 your deposition today?
 3 A. Nothing really. I discussed it with my
 4 lawyers for maybe an hour or two, just generally.
 5 Q. Well, we're not interested in your
 6 lawyers' discussions.
 7 A. Okay.
 8 Q. Anything besides discussions with your
 9 lawyers?
 10 A. I looked over the questions from the
 11 interrogatories that had been provided to me
 12 previously from your attorneys. That was all, maybe
 13 ten minutes.
 14 Q. Now, Mr. Prorock, have you ever been
 15 arrested?
 16 A. Yes.
 17 Q. Could you tell us when and under what
 18 circumstances?
 19 A. I was arrested in February of last year
 20 for misdemeanor possession of marijuana. I was in a
 21 friend's Jeep and he had some marijuana in the car
 22 and I was sitting in the passenger's side and I was
 23 arrested for that. The charges were dismissed.
 24 Q. Is that the only time you've been
 25 arrested?

23

1 A. To the best of my memory, yes.
 2 Q. Did you ever obtain a false ID?
 3 A. Yes.
 4 Q. Could you tell us when and under what
 5 circumstances?
 6 A. I obtained it, I believe, in my junior
 7 year, my junior or senior year at St. Gregory's
 8 Academy on a trip to New York City to the opera, I
 9 believe. The Society of St. John went with us.
 10 Q. Well, explain to me the circumstances
 11 under which you obtained that ID.
 12 A. Several of us from St. Gregory's -- it
 13 would have been my junior year -- were --
 14 Q. What part of your junior year, sir?
 15 A. I want to say early spring, winter.
 16 Q. Okay.
 17 A. We had gone into New York City, I
 18 believe it was to go see an opera, and we were
 19 walking around and I purchased it at some ID store
 20 somewhere near Times Square.
 21 Q. Tell us the circumstances under which
 22 you purchased it.
 23 A. I don't understand the question.
 24 Q. Well, did you just walk into a store
 25 and say, I want a false ID?

24

1 A. I said I wanted an ID card.
 2 Q. And what information did you provide
 3 them?
 4 A. I gave them a false name and a false
 5 date of birth.
 6 Q. And what sort of ID did they give you?
 7 A. It was a -- I don't even remember. I
 8 believe it was just a fake student ID or something
 9 like that.
 10 Q. Did it have a school on it?
 11 A. It may have been University of New
 12 York, you know, SUNY or NYU or something. I don't
 13 really remember at all.
 14 Q. Was it a driver's license?
 15 A. No, sir.
 16 Q. Did they take your picture?
 17 A. Yes.
 18 Q. How much did you pay for that false ID?
 19 A. I believe \$20.
 20 Q. Did anybody else get a false ID?
 21 A. Yes.
 22 Q. What was the purpose of you getting
 23 that false ID?
 24 A. To purchase alcohol.
 25 Q. Prior to you getting the false ID, had

25

1 you purchased alcohol?
 2 A. Not ever, that I remember.
 3 Q. After getting the ID, did you use it
 4 for the purpose of purchasing alcohol?
 5 A. Twice.
 6 Q. Did you tell your parents that you had
 7 a false ID?
 8 A. I told my father some time later and he
 9 took it and, as far as I know, destroyed it.
 10 Q. And when was that?
 11 A. I want to say fall of my senior year.
 12 Q. Did you tell anybody else that you had
 13 a false ID?
 14 A. Several students at St. Gregory's.
 15 Q. Did you tell any of the priests?
 16 A. Father Ensey.
 17 Q. When did you tell Father Ensey?
 18 A. Shortly after I got it. I don't
 19 remember exactly.
 20 Q. What was the purpose of telling
 21 Father Ensey that you got a false ID?
 22 A. Because he had been providing me with
 23 alcohol before.
 24 Q. We'll get to that in a minute. Why did
 25 you tell him?

26

1 A. I figured he would just go ahead and
 2 let me buy it rather than buying it for me.
 3 Q. Did Father Ensey ever allow you to use
 4 that ID to purchase alcohol?
 5 A. Not that I remember.
 6 Q. Now, were you upset when your fellow
 7 students referred to someone who exaggerated tales as
 8 a Prorock?
 9 MR. BENDELL: Objection. It
 10 assumes facts not in evidence.
 11 BY MR. COGNETTI:
 12 Q. Did you ever hear other students refer
 13 to a Prorock story?
 14 A. No.
 15 Q. What were your grades in high school?
 16 A. Reasonably well. I only remember
 17 having one bad grade, which was in an Algebra II
 18 class. I had a C or something or a D, maybe. I
 19 don't know.
 20 Q. And what were your SAT scores?
 21 A. 1220, and I believe I had an 1170 or
 22 something like that. 1220 was the one I used for my
 23 college transcripts; 620 on the verbal, 600 on the
 24 math.
 25 Q. Did your grades ever vary in high

27

1 school between freshman year, junior year, senior
 2 year, sophomore year?
 3 A. I honestly don't remember.
 4 Q. Now, when did you first start drinking
 5 alcohol?
 6 A. I had a glass or two of champagne at a
 7 cousin's wedding probably, I want to guess, when I
 8 was between 8 and 10. Then later that night, we were
 9 staying at my grandparents' house, and I snuck a
 10 little more out of their liquor cabinet. That was
 11 the first time I ever drank, to my knowledge.
 12 Q. Did you continue to drink after that?
 13 A. I would sneak it on family trips to
 14 relatives, maybe once a year or something like that.
 15 Q. Well, how old were you when that
 16 happened?
 17 A. With the first time?
 18 Q. Yes, sir.
 19 A. I want to say right around nine, maybe
 20 ten.
 21 Q. Between your 9th birthday and your 16th
 22 birthday, could you tell us what alcohol you
 23 utilized?
 24 A. I probably snuck some alcohol from
 25 my -- I remember sneaking alcohol from my

28

1 grandparents on family trips, which we would take
 2 once a year, up until I was, I believe, 15, when I
 3 began working at K-Mart. Then at K-Mart, I did drink
 4 on several occasions during the course of that
 5 summer, when I was working there, with friends.
 6 Q. When you say "drink on several
 7 occasions," could you describe what you drank?
 8 A. I had a couple of beers, a multiple of
 9 times, probably two or three, at a restaurant -- I
 10 take that back. I had purchased alcohol before. I
 11 forgot about that. A couple of beers at a restaurant
 12 right next to our work, four or five times throughout
 13 that summer. Then I also drank alcohol that they
 14 provided three times that summer, and then it was
 15 Vodka and frozen Daiquiris, beer, things like that.
 16 Q. Where did you get the vodka?
 17 A. They provided it.
 18 Q. Who's "they"?
 19 A. Several of my friends at work, older
 20 guys that I worked with.
 21 Q. And how were you able to purchase beer
 22 at the restaurant or bar next to your employment?
 23 A. They just -- I asked for it, and they
 24 gave it to me.
 25 Q. Did you ever get intoxicated between

29

1 your 9th and 16th birthday?
2 A. I would say I got intoxicated twice
3 over -- at that friend of mine's house from work.
4 Q. And that was the extent of your
5 drinking?
6 A. As far as I remember for intoxication,
7 yes.
8 Q. And you weren't drinking quarts of
9 alcohol during that time period?
10 A. I drank a large amount of alcohol one
11 of those times and got pretty intoxicated, and then I
12 know I drank a fair amount that other time that I got
13 intoxicated.
14 Q. Michael, I want you to listen to this
15 statement and tell me if it's true:
16 "Michael said that from the age of 8 or
17 9 until he was 14 years old, he would periodically
18 sneak liquor out of his relatives' liquor cabinets.
19 He stated that he would drink enough to get a buzz
20 going. 'I have a high tolerance.' Michael said no
21 one ever caught him or at least they never said
22 anything. Most of my family drinks heavily.
23 "Michael reported he began working at
24 the age of 14 and would drink on his lunch hours and
25 after work, 'whenever I would get it.' Between the

30

1 ages of 14 and 16, Michael said he could easily drink
2 a fifth, no problem. He said he would sometimes
3 drink alone and other times with friends but stated
4 that he would consume a fifth of liquor on his own."
5 Is that a true statement?
6 MR. BENDELL: I'm going to object
7 on the grounds that it's compound. You
8 can go ahead and answer it, if you can.
9 THE WITNESS: It's true that I
10 stated that, yes.
11 BY MR. COGNETTI:
12 Q. What you stated, was that true?
13 A. I'm trying to -- the periodically -- as
14 far as I remember -- if you can repeat the statement,
15 I'll --
16 MR. BENDELL: Let me -- not to be
17 overly -- one of the reasons -- I wasn't
18 trying to be too technical, but the reason
19 I objected as to compound, there's about
20 seven or eight statements there. If you
21 break them down one at a time, it might
22 be --
23 MR. COGNETTI: I understand your
24 objection.
25 MR. BENDELL: All right. That's

31

1 fine.
2 MR. COGNETTI: I understand your
3 objection.
4 THE WITNESS: As far as I'm aware,
5 that's true, yes. I also remember -- just
6 hearing that statement jogged my
7 memory -- I do remember two occasions
8 where those friends of mine also gave me
9 bottles of alcohol that I did drink at
10 home alone by myself. I do remember that.
11 I was maybe 15, 16.
12 BY MR. COGNETTI:
13 Q. Now, how old were you when you first
14 had sexual relations with a female?
15 A. Seventeen.
16 Q. And where was that?
17 A. Where?
18 Q. Yes.
19 A. In terms of location?
20 Q. Yes, sir.
21 A. Raleigh, North Carolina.
22 Q. With whom?
23 A. Amber Tomachek.
24 Q. And where?
25 A. At her parents' -- well, yes, at her

32

1 parents' house.
2 Q. And when?
3 A. January of my 17th year. It would have
4 been -- I'm having trouble -- I'm trying to -- I have
5 a hard time placing things chronologically. January
6 of my junior year at St. Gregory's Academy, so I was
7 16 then. Sorry.
8 Q. January of your junior year at
9 St. Gregory's Academy?
10 A. Yes.
11 Q. I take it you were home on a Christmas
12 break?
13 A. Yes.
14 Q. Tell us the circumstances under which
15 it came to be that you had sexual relations with your
16 girlfriend.
17 A. We were kissing in the new year and
18 there was hand contact on private parts and that was
19 all.
20 Q. When was the first time you had sexual
21 intercourse with a female?
22 A. That was the following summer, the
23 summer between my junior and senior years.
24 Q. And with whom was that?
25 A. The same girl.

33

1 Q. And where was that?

2 A. That was in Raleigh, North Carolina,

3 varying between, be it her place, her parents' house,

4 the woods near Falls Lake, sometimes at her parents'

5 office where I was working.

6 Q. Now, did you use any protective

7 devices?

8 A. Once or twice.

9 Q. Did you ever have a homosexual

10 relationship with anyone?

11 A. In -- consensual, do you mean?

12 Q. Describe it, consensual, unconsensual.

13 Describe it. Describe to us when you had a

14 homosexual relationship.

15 A. I have had no homosexual consensual

16 relationships. I have been touched homosexually by

17 several men. If -- do you want me to go on with

18 that?

19 Q. Well, I'll get back to that in a

20 minute.

21 Just list for me the men who you've had

22 this homosexual nonconsent relationship with.

23 A. Father Eric Ensey, Father Carlos

24 Urrutigoity and Father Christopher Clay.

25 Q. Anyone else?

34

1 A. I was watching a porno at a friend of

2 mine's house while I was drinking and he tried to

3 reach over and touch me and I got up and left.

4 Q. When was that?

5 A. Probably two years ago, would be my

6 guess.

7 Q. Where?

8 A. It was at a house. He was house

9 sitting. I don't know the location. It was in

10 Raleigh. I know that.

11 Q. Who was the young man?

12 A. His name was Todd, and I don't know his

13 last name.

14 Q. Well, tell us how you came to be at

15 Todd's house. Where did you meet Todd?

16 A. I met him -- can I pause for a second?

17 MR. COGNETTI: Sure. Just note on

18 the record that --

19 (At this time the witness confers

20 privately with counsel.)

21 MR. BENDELL: All right. This is

22 something that is through AA, and to be

23 honest with you, it's my understanding

24 that the promises you made to AA, it's

25 very important and so forth, but I think

35

1 it's subject to a subpoena that you have

2 to disclose that, unless there's some

3 unusual aspect of Pennsylvania law.

4 So I think we have an agreement

5 that nobody is going to disclose the name

6 of this AA person, so he will still be an

7 anonymous --

8 MR. COLEMAN: We can at least

9 identify him by his first name and last

10 initial.

11 MR. COGNETTI: Well, I may want to

12 talk to the guy.

13 MR. BENDELL: I can understand

14 that. You can go ahead. You're not

15 betraying anything. You're under a

16 subpoena, so you have to do that.

17 THE WITNESS: I don't know his last

18 name or his last initial. I do know his

19 first name. I met him at an AA meeting.

20 I think I actually met him at the first AA

21 meeting I attended some time in the Fall

22 of 2000, I want to say -- or late Summer

23 of 2000, August of 2000, I believe, and

24 I've chatted with him several -- I, you

25 know, was friends with several of his

36

1 friends. You know, we hung out together,

2 things like that.

3 BY MR. COGNETTI:

4 Q. You hung out with him, but you didn't

5 know his name?

6 A. I know his first name. It's

7 pretty -- it's standard not to ask last names in

8 Alcoholics Anonymous.

9 Q. Did you ever call him? Did you have a

10 phone number for him?

11 A. I don't have a phone number for him.

12 Q. Did you have a phone number for him?

13 A. I may have at some point. If I did, I

14 don't remember having it.

15 Q. When you say you hung out, where did

16 you hang out?

17 A. Coffee shops. I would see him before

18 and after meetings, and I ran into him once or twice

19 maybe at Caribou Coffee, Falls of the Neuse Road in

20 Raleigh, North Carolina.

21 Q. Well, tell us the circumstances where

22 you were alone with him, I guess, or tell us the

23 circumstance when he attempted to --

24 A. We were hanging out after an AA

25 meeting, and he said, "Look, I'm house sitting for

37

1 this rich person, you know. They got a huge TV. You
2 want to come over and watch a movie?" We
3 watched -- I don't even remember what --
4 Q. How did you get there?
5 A. I drove over there, followed him over.
6 Q. You followed him over?
7 A. Yes.
8 Q. Okay.
9 A. We watched some comedy, and then he put
10 a porno on.
11 Q. What sort of porno?
12 A. I'm not really sure. It was on Cinemax
13 or something.
14 Q. Well, was it heterosexual?
15 A. It was heterosexual.
16 Q. Go ahead and explain what happened.
17 A. He reached over to try to touch me and
18 I got up and smoked a cigarette and just said, "Look,
19 I don't want you to do that." He said, "Sorry." And
20 I left after I finished my cigarette.
21 Q. Did you ever see him again?
22 A. I've run into him maybe three times
23 since then, and I have not spoken to him.
24 Q. And at this point in time, was he
25 drinking?

38

1 A. He may have been. I had smoked
2 marijuana earlier that day. I don't know if he was
3 drinking or not.
4 Q. Were you drinking?
5 A. I was not drinking. As I stated just a
6 second ago, I had smoked marijuana earlier.
7 Q. But you had no alcohol?
8 A. No.
9 Q. Where did you get the marijuana?
10 A. Off a friend of mine.
11 Q. Who?
12 A. David Silverman.
13 Q. And where is he from?
14 A. He's from Raleigh, North Carolina. I
15 stole it from him. I didn't buy it from him, if
16 that's --
17 Q. Well, tell us how you stole it from
18 him.
19 A. He had it sitting out in his room, and
20 I took a little bit from him.
21 Q. Where was his room?
22 A. In his mother's house on Winona Road in
23 Raleigh, North Carolina.
24 Q. Did you ever tell David about your
25 allegations against the priests?

39

1 A. Yes, actually. I forgot about that.
2 Q. When did you do that?
3 A. Probably April of 2001, as far as I
4 remember. Mr. McMoil, just for a little background,
5 was a roommate with David Silverman. I had stayed
6 the night over at David's house out on his couch
7 several times, so he -- Mike did not have a car, so a
8 lot of times they would hang out together.
9 Q. Now, did you choose St. Gregory's or
10 was St. Gregory's chosen by someone for you?
11 A. I think to some degree both. My
12 parents suggested it, and I accepted to go.
13 Q. Well, how did you find out about
14 St. Gregory's?
15 A. I found out because my grandmother
16 received something in the mail from the Fraternity of
17 St. Peter saying that they had a high school and a
18 boy's camp. I went to the camp twice and then
19 attended -- I went there between my seventh and
20 eighth grade -- the summers between my seventh and
21 eighth grade and the summer between my eighth and
22 ninth grade.
23 Q. What was the tuition, if you know, for
24 St. Gregory's?
25 A. I don't know.

40

1 Q. Do you know who paid the tuition?
2 A. My father, as far as I know.
3 Q. Were you given any money, living
4 expenses, when you were at St. Gregory's?
5 A. A little bit here and there. I believe
6 we had -- if I remember correctly, we had an
7 allowance account. We were allowed to take "X"
8 amount out per week. I don't remember the amounts.
9 Q. Well, how much were you given as an
10 allowance when you were at St. Gregory's?
11 A. I don't remember. I believe it was
12 maybe five dollars a week or something like that.
13 Q. Who were your teachers your first year?
14 A. Luke Culley, Paul -- I want to say
15 McCormack. I don't remember his last name fully. I
16 believe Father Carr. I remember teachers who were
17 there. I'm not sure exactly who taught me my
18 freshman year, aside from those.
19 Q. Who were your friends your freshman
20 year?
21 A. Brendan Landell, Sean Smith, Mike
22 Baker.
23 Q. One by one, can you tell us where those
24 people were from?
25 A. Brendan Landell at the time lived in

41

1 New Jersey. Sean Smith was from Michigan. Mike
2 Baker was from Dallas, Texas -- Texas. I'm not sure
3 if it was Dallas.

4 Q. Have you remained in contact with these
5 people?

6 A. No.

7 Q. During your first year, did you have a
8 girlfriend?

9 A. Not an actual girlfriend that I
10 remember.

11 Q. Did you write to anybody?

12 A. I did write to a Theresa Washington.

13 Q. Where is she?

14 A. She, I believe, is in New York now. I
15 haven't had contact with her in several years.

16 Q. And where is she from originally?

17 A. Georgia, north of Atlanta, Gainesville.

18 Q. How did you meet her?

19 A. I met her at a Catholic retreat for
20 families up in West Virginia.

21 Q. Did your parents visit you during your
22 first year?

23 A. Not that I recall, except to drop me
24 off, pick me up, vacations, so on and so forth.

25 Q. Well, let's go through it. What

42

1 vacations did you have your first year?

2 A. Thanksgiving, Christmas, Easter and
3 then summer.

4 Q. And did your parents drive up from
5 North Carolina, pick you up, take you back to North
6 Carolina and --

7 A. As I remember, yes. I'm really kind of
8 fuzzy on the details.

9 Q. Do you recall how often you went home
10 your first year?

11 A. I want to say three times. I want to
12 say each of those vacations, I'm pretty sure.

13 Q. And do you recall how you got home?

14 A. My parents taking me. I may have flown
15 one of those times, but I'm not sure.

16 Q. Were they the only visits you had with
17 your parents during your first year?

18 A. I don't remember any others.

19 Q. How often did any other member of the
20 family visit you?

21 A. I'm not sure if it was my freshman or
22 sophomore year. I did spend weekends with my -- my
23 grandparents came out to visit, my mom's parents, I
24 think once or twice, and then my Aunt Chris came out
25 to visit a couple times, as well.

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1 Q. So during your second year, did you go
2 home during vacations your second year?

3 A. I went home for Christmas. I went home
4 for Easter. I went home -- I may have spent
5 Thanksgiving up at my grandma's house. I'm not sure.
6 I mean, I remember spending the time with my family.

7 Q. And where does your grandmother live?

8 A. Binghamton, New York.

9 Q. And what's her name?

10 A. Regina Prorock.

11 Q. And where does she live in Binghamton?

12 A. Endicott, which is -- do you want a
13 street address?

14 Q. Yes.

15 A. Bundy Avenue. I don't know the exact
16 number.

17 Q. During your junior year, did you go
18 home on vacations or breaks at school?

19 A. I went home for Christmas, went home
20 for Easter, I believe I went home for Thanksgiving,
21 as far as I remember, yes.

22 Q. And how did you get home, back and
23 forth?

24 A. I believe at least once I flew and my
25 parents drove me. I'm really having a hard time

44

1 remembering the exact details of this stuff. I
2 don't -- it's not something I exactly filed away to
3 remember.

4 Q. Do you recall if anybody visited you
5 during your junior year?

6 A. Possibly my Aunt Chris. I don't know.

7 Q. Now, in your senior year, do you recall
8 if you went home for any holidays or vacations or
9 breaks?

10 A. My senior year, I went to
11 Father Ensey's parents' house to visit Thomas Aquinas
12 College, for Thanksgiving of my senior year. I went
13 home for Christmas, and I went home for Easter. Then
14 I went on a trip to France directly after -- during
15 the first part of the summer, directly after
16 graduating -- oh, no, that was my junior year that I
17 did that. Sorry. My senior year, I went home
18 directly for that summer, as well.

19 Q. You mentioned a trip to France. Who
20 went on that trip?

21 A. Fraternity of St. Peter, Father Berger,
22 B-E-R-G-E-R, Howard Clark and juniors and seniors
23 from St. Gregory's.

24 Q. And who paid for that trip?

25 A. I believe my parents.

45

47

1 Q. Do you know how much it cost?
 2 A. No.
 3 Q. Did any members of your family come up
 4 and visit you during your junior or senior year?
 5 A. I believe my parents came up for a
 6 hockey game my junior year. It was either junior or
 7 senior. I'm not sure.
 8 Q. Anyone else?
 9 A. Family members?
 10 Q. Yes.
 11 A. I don't recall.
 12 Q. Do you recall how many students there
 13 were at St. Gregory's during your years there?
 14 A. An average of 60 each year. There may
 15 have been something like 45 my freshman year.
 16 Q. Do you recall how many teachers there
 17 were?
 18 A. I want to say between eight and twelve.
 19 I don't know exactly.
 20 Q. Do you recall how many priests there
 21 were?
 22 A. During my freshman and sophomore -- I
 23 don't know because the Fraternity seminary was there,
 24 and there were a lot of them. Officially,
 25 Father Carr was there, I know, my first two years.

1 A. Probably.
 2 Q. Did you go up and introduce yourself to
 3 Father Ensey?
 4 A. Yes.
 5 Q. When did you first meet Father Carlos?
 6 A. Some time that same year.
 7 Q. Under what circumstances?
 8 A. I don't recall.
 9 Q. When was the last time you saw Father
 10 Ensey?
 11 A. Before this room?
 12 Q. Before this room.
 13 A. Some time in that Fall of 2000, when I
 14 was staying at the Society.
 15 Q. I take it you first met him, then, in
 16 the Fall of '97?
 17 A. That would be correct, I believe.
 18 Q. And you last saw him in the Fall of
 19 2000?
 20 A. Yes.
 21 Q. When was the last time that you spoke
 22 to Father Ensey?
 23 A. That Fall of 2000. I may have spoken
 24 to him on the phone one time after that. I don't
 25 recall.

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48

1 Q. Did you have a priest who you went to
 2 for confessions during your first two years?
 3 A. Father Carr.
 4 Q. And how often would you go to
 5 confessions with Father Carr?
 6 A. If I remember correctly, usually about
 7 once or twice a week.
 8 Q. Was he what you would call your
 9 spiritual advisor?
 10 A. I didn't really have one, you know,
 11 really go to anyone for spiritual direction. If I
 12 had a question, occasionally I would go to him with
 13 it, but I didn't really come across anything major.
 14 Q. When did you first meet Father Ensey?
 15 A. I met him, I would say, it was in the
 16 fall of my junior year.
 17 Q. Tell us under what circumstances you
 18 met him.
 19 A. He was standing in the cafeteria. I
 20 was looking for a priest to go to confession to, and
 21 since he was new, they had -- the Society of St. John
 22 had just arrived at St. Gregory's, and I asked him to
 23 go to confession.
 24 Q. Was Father Carr available for your
 25 confession?

1 Q. You don't recall speaking to him, or
 2 you don't recall when it was?
 3 A. I don't recall when it was. I don't
 4 recall whether it was before I went up that fall or
 5 after.
 6 Q. Do you recall --
 7 A. Actually, no, I do recall. It was -- I
 8 believe it was after. I believe I spoke to him once.
 9 Q. Tell us the circumstances.
 10 A. I don't remember.
 11 Q. Tell us what you spoke about.
 12 A. I don't remember.
 13 Q. When was the last time you saw Father
 14 Carlos?
 15 A. That fall, as well.
 16 Q. When was the last time you spoke to
 17 Father Carlos?
 18 A. The same time.
 19 Q. You have not spoken to him since?
 20 A. Not as far as I remember.
 21 Q. Now, I believe you testified after your
 22 graduation from St. Gregory's, you went to Thomas
 23 Aquinas College?
 24 A. Yes.
 25 Q. Where is that located?

49

1 A. Santa Paula, California.
 2 Q. Why did you choose St. Thomas Aquinas
 3 College?
 4 A. Because Father Ensey highly recommended
 5 it and several other students from my high school
 6 were going there.
 7 Q. Did you look at any other colleges?
 8 A. I briefly considered North Carolina
 9 State. I didn't actually look or -- I'm not even
 10 sure that I -- I don't think I applied anywhere else
 11 either.
 12 Q. And how long did you attend St. Thomas
 13 Aquinas College?
 14 A. One semester.
 15 Q. And why did you leave St. Thomas
 16 Aquinas?
 17 A. Drinking. I was drunk all the time,
 18 and I had a pretty good feeling that if I stayed
 19 there, I would have been kicked out for, be it
 20 drinking in my rooms or showing up to class drunk one
 21 too many times or something like that.
 22 Q. How old were you at that time?
 23 A. I was 18.
 24 Q. Where were you getting the alcohol to
 25 get drunk?

50

1 A. I was having friends buy it for me.
 2 Q. And how were you paying for the
 3 alcohol?
 4 A. I had some money from my parents. I
 5 had money saved from working during the summers.
 6 Q. How much did your parents give you to
 7 live on when you went St. Thomas Aquinas?
 8 A. I don't remember.
 9 Q. Who paid your tuition?
 10 A. I believe my mom's parents helped with
 11 my tuition and I took out a loan and I believe my
 12 parents helped some, too.
 13 Q. Did you receive any financial aid?
 14 A. No.
 15 Q. So your college was paid by a loan to
 16 you or to your parents?
 17 A. I believe it was to me. I'm not
 18 exactly positive on that.
 19 Q. Did you ever pay that money back?
 20 A. Yes.
 21 Q. Well, how much money did you pay back?
 22 A. It was a couple thousand. I don't
 23 remember exactly.
 24 Q. How much was the tuition?
 25 A. It was 10,000 a semester.

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1 Q. For room and board and tuition?
 2 A. If I remember correctly, yes.
 3 Q. So you paid back a couple thousand.
 4 Where did the remaining money come from?
 5 A. Between my parents and my grandparents.
 6 I believe I stated that already.
 7 Q. Did you ever have a homosexual
 8 relationship when you were in college?
 9 A. No.
 10 Q. Did you ever have nonconsensual
 11 homosexual sex when you were in college?
 12 A. No.
 13 Q. Did anyone ever molest you when you
 14 were in college?
 15 A. No.
 16 Q. So when you were at Thomas Aquinas
 17 College, there was no molestation of you by anyone?
 18 A. Not that I recall -- oh, yes, actually,
 19 there -- sorry. There were several students there
 20 who did hassle me quite a bit. They -- I returned
 21 home from -- I was down at -- just off campus, down
 22 by a stream near Thomas Aquinas, and I was drinking.
 23 I returned back to the dorm, and I
 24 remember one student -- and there were several others
 25 there. I don't know who -- grabbed me and shoved his

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1 genitalia in my face, holding me down, pinned on
 2 a -- on my bed in my dorm room and then proceeded to
 3 kind of dry hump me or whatever you want to call it.
 4 I don't recall much else from that
 5 incident. He was -- his name was Andrew Zalesko.
 6 Also, there was a student there named Andrew Burnham
 7 and a student, Andrew DeSilva, who did hassle me,
 8 ranging from exposing themselves to me to making
 9 comments, like, Oh, we're going to fuck you up the
 10 ass, and to prodding me, you know, slapping my butt
 11 when I walked by to prodding me in my butt with
 12 broomsticks, things like that.
 13 Q. When did that start?
 14 A. Shortly after I arrived out at Thomas
 15 Aquinas, maybe a month or two.
 16 Q. When you were in grade school, were you
 17 ever hassled?
 18 A. Not that I recall.
 19 Q. When you were in --
 20 A. I was made fun of. I don't
 21 remember -- like homosexually hassled, no.
 22 Q. What were you made fun of?
 23 A. When or why?
 24 Q. Yes, both.
 25 A. I was made fun of during my entire time

53

1 at Cathedral School, and I think mostly just because
2 I was a dork and I read all the time.

3 Q. Who made fun of you?

4 A. Pretty much all the students in my
5 grade.

6 Q. And how did they make fun of you?

7 A. They would say everything from, you
8 know -- there were occasions of phrases like, Well,
9 it's all Prorock's fault. Whenever something would
10 happen bad in the class or someone would get in
11 trouble, they'd say, Well, it's Prorock's fault, to
12 just generally mocking me for reading all the times
13 and things like that. I don't remember all the
14 details of -- I've kind of tried not to remember
15 them.

16 Q. But that was a consistent universal
17 pattern of activities by the other students?

18 A. Yes.

19 Q. Any sexual harassment at all in grade
20 school?

21 A. Not that I recall.

22 Q. Directing your attention to high
23 school, were you sexually harassed in high school?

24 A. Aside from -- well, I mean, yes, by
25 several priests at my high school.

54

1 Q. Besides the priests, by other students?

2 A. Not that I recall.

3 Q. Were you made fun of in high school?

4 A. A little bit.

5 Q. Tell us under what circumstances you
6 were made fun of.

7 A. I was mocked, at least during my junior
8 and senior years, for smoking and for drinking. I
9 don't remember much of anything else. I think I was
10 also made fun of for having a crush on a couple
11 different girls.

12 Q. What girls did you have a crush on?

13 A. One of them was Genevieve Klassen. She
14 was a sister, a fellow student. There was a girl
15 here in Scranton. I remember her first name was
16 Becky. I'm not sure of her last name. Then there
17 was my girlfriend back home.

18 Q. Who were your friends your sophomore
19 year at St. Gregory's?

20 A. It was the same as my freshman.

21 Q. Who were your friends your junior year?

22 A. I wouldn't say that I really had any.

23 Kind of isolated my junior year.

24 Q. How about your senior year?

25 A. Pretty much the same deal. I did hang

55

1 out with Eric Kopec and Joseph Klobe occasionally.

2 Q. Who were your friends at St. Thomas

3 Aquinas College?

4 A. Joshua Clark, Steve Klukas, Casey Kane.
5 I think that's probably it.

6 Q. Now, when was the last time you had a
7 drink?

8 A. August 7th of this (sic) year.

9 Q. The last time you used drugs?

10 MR. BENDELL: You mean
11 nonprescription drugs?

12 BY MR. COGNETTI:

13 Q. Nonprescription drugs.

14 A. Prior to January of last year. I don't
15 know the exact date.

16 Q. Do you have any physical or mental
17 problems today as you sit here?

18 A. I have arthritis in my knees and in my
19 right arm.

20 Q. Are you on any prescribed medication
21 today?

22 A. I'm not taking any currently. I am
23 currently prescribed Nexium for a stomach problem and
24 Celebrex for arthritis.

25 Q. Are you on any drugs that will affect

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1 your ability to recall the events of the past?

2 A. No.

3 Q. Now, I believe you touched on this
4 already, but you have been interviewed concerning
5 these allegations, you have mentioned, by someone
6 from the District Attorney's Office?

7 A. Yes.

8 Q. Jeff Bond?

9 A. It wasn't so much an interview as a
10 conversation with him, yes.

11 Q. Your attorneys?

12 A. Yes.

13 Q. Anyone else?

14 A. Conversation or interview?

15 Q. Well, both.

16 A. I discussed it with, I know for
17 certain, my counselor, Vernon Martin, at Transitions
18 Recovery. I discussed it with Phillip Hillsman, I
19 believe. I discussed it with Fred S., a friend at
20 Alcoholics Anonymous, Thomas Rodgers, a friend in
21 Alcoholics Anonymous, Mildred Breedlove, Michael
22 McMoil, David Silverman -- I'm trying to
23 remember -- my parents. That's all I remember at the
24 current time. I may have discussed it with one or
25 two other people, but I don't think in any detail.

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1 Q. How would you describe your
2 relationship to Father Urrutigoity --
3 MR. BENDELL: Now?
4 BY MR. COGNETTI:
5 Q. -- during the time period of your stay
6 at St. Gregory's?
7 A. It was very minimal.
8 Q. How would you describe your
9 relationship to Father Ensey during that same time
10 period?
11 A. We spent a lot of time together, from
12 the time I met him until I graduated.
13 Q. At that time did you consider him a
14 friend?
15 A. I did at the time.
16 Q. I take it by your answer, you no longer
17 consider him a friend?
18 A. Absolutely. Yes, I no longer consider
19 him a friend whatsoever.
20 Q. Do you hate him?
21 A. If I don't hate him, I would like to
22 see him in a not very nice place. I hold great anger
23 towards him at the very least, if not hating him.
24 Q. And how long have you held this anger
25 against him?

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1 A. For some time, several years.
2 Q. Well --
3 A. Probably since -- on this level, since
4 I left the Society's property.
5 Q. So you've hated him since the Fall of
6 2000 --
7 A. Probably right around there, yes.
8 Q. -- when you left the Society's
9 property?
10 A. Yes.
11 Q. I take it from your answer that as
12 you're leaving the Society's property, you're
13 thinking of hate against Father Ensey?
14 A. Himself and Father Urrutigoity.
15 Q. So you hated them both?
16 A. Yes.
17 Q. Now, what events transpired at that
18 point in time that caused your hatred?
19 A. At that time?
20 Q. Yes.
21 A. I think -- ask you to rephrase the
22 question. Which events in the entirety of time
23 period have caused me to hate him or --
24 Q. Well, you said you began to hate him in
25 the Fall of 2000.

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1 A. The main event I would say that caused
2 me to hate him was I started to sober up. I got
3 about three months of sobriety -- well, I mean it
4 continued. The longer I got sober and the more I
5 remembered, the more I grew to hate him.
6 Q. So it was a growing hatred?
7 A. Yes.
8 Q. Were you asked to leave Shohola in the
9 Fall of 2000?
10 A. I was asked to leave unless I wrote a
11 letter of apology to Father Urrutigoity for
12 criticizing him at one point. I wrote the letter of
13 apology. On the event that I actually left, if I
14 remember correctly, it was on my own choice.
15 Q. Now, how did it come to be that you
16 returned to the Society of St. John's in the Fall of
17 2000?
18 A. I was told that they would be starting
19 a college that fall.
20 Q. Who told you that?
21 A. Both Father Ensey and Father
22 Urrutigoity. I had thought about joining them when I
23 left Thomas Aquinas College, and by that point, after
24 I left Thomas Aquinas in May, the following year, I
25 began dating Mildred Breedlove.

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1 I decided not to enter the seminary and
2 revealed that to the Society -- I'm not sure exactly
3 to whom. It was either Father Ensey or Father
4 Urrutigoity or both -- and stated that I would come
5 up and work for them if I could attend the college
6 under the grounds that I would be attending the
7 college, but I had no intention of joining their
8 order.
9 Q. Well, let's go back. In the Fall of
10 '99, you were at St. Thomas Aquinas College?
11 A. Right.
12 Q. And you've already stated that you were
13 drinking heavily.
14 A. Yes.
15 Q. You left in January of that year, I
16 assume?
17 A. January or February, whenever the
18 semester ended.
19 Q. Then what did you do after you left?
20 A. I returned back to Raleigh, North
21 Carolina, and worked at Lowe's.
22 Q. Where you continued to drink?
23 A. Yes.
24 Q. Were you drunk most of the time?
25 A. A large part of the time.

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1 Q. And did that lack of sobriety continue
2 up through the Fall of 2000?
3 A. It continued until August of 2000.
4 Q. In August of 2000?
5 A. In August of 2000, I went to my first
6 AA meeting and began a period of sobriety that lasted
7 for seven months.
8 Q. So in August of 2000, you were sober?
9 A. I was getting sober, yes.
10 Q. You were no longer drinking?
11 A. Right.
12 Q. And what caused you to return to
13 Shohola?
14 A. What caused me was the desire to attend
15 the college. I had seen their curriculum, or what
16 was their proposed curriculum, and it looked very
17 good.
18 Q. What communications did you have with
19 Father Urrutigoity or Father Ensey from February or
20 March of 2000 to August of 2000?
21 A. I don't remember exactly what
22 communications I had with Father Ensey. I may have
23 spoken on the phone to him.
24 Q. Did you write to him?
25 A. I don't remember writing to him. I

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1 believe I wrote to Father U. asking him, while I was
2 at Thomas Aquinas -- it was while I was at Thomas
3 Aquinas. I wrote to either Father U. or spoke with
4 him on the phone concerning joining the order.
5 I went up to visit the Society's
6 property for, I believe, a week, some time that
7 summer. I was still drinking, perhaps July
8 and -- June or July. I don't know. I was still
9 drinking and spoke with Father U. concerning the fact
10 that I did not want to join the order but wished to
11 attend the college, and he said that that would be no
12 problem.
13 Q. All right. So the only communications
14 that you had were orally with Father U. between
15 February-March and June or July of 2000?
16 A. I don't recall any written
17 communications. I may -- I received a letter, I
18 know, from now Father Munkelt concerning accepting me
19 to the order back prior to then, but I don't recall
20 any written communications.
21 Q. And so you went up there in June-July,
22 but you were -- were you drunk most of that time?
23 A. A fair amount of that time.
24 Q. And where did you get the alcohol?
25 A. From the Society.

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1 Q. Oh, they gave it to you?
2 A. Yes.
3 Q. You arrived there and they gave you
4 alcohol?
5 A. That night, yeah.
6 Q. Prior to arriving there, when you were
7 in Raleigh, where were you getting the alcohol?
8 A. I had several friends that were over 21
9 who would buy it for me.
10 Q. How long did you stay up at Shohola
11 after August of 2000?
12 A. After August, I stayed up there between
13 a month and two months. I'm not exactly sure of the
14 time.
15 Q. You arrived there in August, and you
16 said you were not drinking?
17 A. No. I believe I arrived there in
18 September, I believe it was the middle of September.
19 Q. And at that point, you had not been
20 drinking for a month?
21 A. I had not been drinking for a month,
22 yes.
23 Q. And I take it the Society did not
24 provide you any alcohol at that time?
25 A. They did not, but when I asked if I

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1 could attend AA meetings in town, Father U. flatly
2 forbade me to. He said that I didn't need them.
3 Q. Who told you that?
4 A. Father Urrutigoity.
5 Q. And when was that?
6 A. That was within a -- actually within
7 the first three days of arriving up there.
8 Q. Now, when you arrived there --
9 MR. BENDELL: Excuse me for a
10 second. When he says Father U., it's a
11 "U".
12 MR. COGNETTI: Yes, Father U. is
13 Father Urrutigoity. They're one in the
14 same.
15 BY MR. COGNETTI:
16 Q. You arrived up there in September?
17 A. Yes.
18 Q. How did you arrive there?
19 A. I took the train to New York City and
20 Father Urrutigoity met me in New York City and he
21 drove me back to the property.
22 Q. And where did you stay when you arrived
23 back at the property?
24 A. I don't recall if I spent the first
25 night in Father Urrutigoity's room or in Father

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1 Ensey's office. I'm not sure. I don't believe
2 Father Ensey was at the property at that time. I
3 believe he arrived maybe a week later or something
4 like that. I don't -- I'm having trouble with the
5 dates.

6 Q. Well, you spent the first night either
7 in a guest room of Father Ensey, is that how you
8 described it?

9 A. Either in -- Father Ensey had an office
10 in the Shohola property that had a loft bed, and I
11 believe he was not there that first day that I got to
12 the Shohola property. I think he got there some time
13 within the next three to five days; I want to say
14 three days. I don't remember exactly, though. I
15 spent -- I don't recall exactly where I spent the
16 first night. I do remember it was one of those two
17 places.

18 Q. Where did you spend the second night?

19 A. I don't recall exactly. It was one of
20 those two.

21 Q. Where did you spend the third night?

22 A. I don't recall, sir, exactly where
23 all -- which nights, whether it was first, second,
24 third, fourth, so on. Within that first week, I did
25 spend at least three -- the first two -- first two,

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1 within the first two weeks, I did spend at least
2 three nights with Father Ensey, at his request, in
3 the bed in his -- the loft in his office.

4 Then after that, I stayed in Father
5 Urrutigoity's room for a couple of days while he was
6 supposedly arranging for me to get another bed.
7 Eventually I moved over to a bed in the stairwell at
8 St. Joseph's house, which is also -- I don't know
9 whether it's a part of their property or not. I
10 believe they were renting it at that time.

11 Q. And how long did you stay in the bed at
12 St. Joseph's?

13 A. I want to say a month.

14 Q. And what did you do during that month?

15 A. I worked on the Society of St. John's
16 web site. I worked on their web store. I cooked for
17 them. I think that's the majority. I ran some
18 errands for them.

19 Q. Were you paid for your services?

20 A. No.

21 Q. Did you attend any classes?

22 A. No. I was told that I could not attend
23 classes since I was not a seminarian and since I
24 refused to be a seminarian, once I arrived up in
25 Pennsylvania.

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1 Q. You were told that when you arrived up
2 there, correct?

3 A. Yes.

4 Q. Were you told it on the ride from New
5 York to Pike County?

6 A. I don't believe I was told that until
7 after I had gotten up there.

8 Q. All right. So you were told that
9 shortly after you arrived?

10 A. Yes.

11 Q. And did you leave?

12 A. Then?

13 Q. Yes.

14 A. No. I said, Well, can I stay up here
15 for a while and work for you guys.

16 Q. And why did you want to stay up there
17 and work for them?

18 A. Because I knew that they needed office
19 help and I wasn't exactly keen on going back to
20 Raleigh since I had been drinking a lot down there.
21 I kind of wanted to get away from Raleigh for a
22 little while.

23 Q. All right. So you went up to Shohola
24 to get away from drinking?

25 A. It wasn't so much for that reason, sir.

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1 It was more as kind of running away from myself. I
2 was a little screwed up at the time. Pardon my --

3 Q. Well, tell us how you were screwed up.

4 A. I was perhaps a month sober. I had
5 just spent probably, quote/unquote, the most
6 formative years of my life being drunk. I was not
7 quite sure as to what I wanted to do with my life. I
8 had intentions of going to the college. I had no
9 self-esteem. I had -- I was debating suicide very
10 constantly, and I was just looking for a way out.

11 Q. So you went up to Pike County to stay
12 with the Society of St. John's?

13 A. I was actually intending to attend the
14 College of St. Joseph's, but, yes, I did end up
15 staying.

16 Q. You ended up staying there?

17 A. Yes.

18 Q. Now, I take it you came from a happy
19 home?

20 A. Reasonably happy, yes.

21 Q. All right. You got along with your
22 parents?

23 A. Aside from the usual childhood
24 bickerings, yes.

25 Q. You had a good relationship with your

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1 mother?

2 A. Yes.

3 Q. You had a good relationship with your
4 father?

5 A. For the most part, yes, except the only
6 time that we didn't have a good relationship was when
7 I was a little belligerent towards them concerning my
8 girlfriend, Amber Tomachek, who they did not approve
9 of.

10 Q. That was the only time you were
11 belligerent?

12 A. That's the only time I recall us not
13 having a very good relationship.

14 Q. You got along with your siblings?

15 A. Pretty well, yes.

16 Q. To your knowledge, did your parents
17 have any alcohol abuse?

18 A. To my knowledge, my dad did abuse
19 alcohol when he was younger, but he had stopped
20 pretty early on into my childhood, as far as I know.

21 Q. And your mother?

22 A. My mother, no.

23 Q. No history of mental illness on either
24 side of the family?

25 A. I believe my mother has had depression.

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1 I don't know, though, for a fact.

2 Q. What makes you believe that?

3 A. I vaguely remember her saying something
4 to that effect.

5 Q. Did you ever tell anybody your mother
6 had clinical depression?

7 A. I don't recall.

8 Q. So in the Fall of 2000, you didn't want
9 to return to Raleigh where you had a good stable
10 family, you wanted to stay up in Shohola?

11 A. Because of my drinking, I had not been
12 staying with my family for a little while. I don't
13 think it was so much that they didn't want me around,
14 but necessarily that I just didn't want to deal with
15 them.

16 Q. Where did you go after you were asked
17 to leave the Shohola property?

18 A. I came back to Raleigh, North Carolina.

19 Q. And what did you do?

20 A. I worked at Lowe's.

21 Q. And did you participate in any program?

22 A. I continued to attend AA meetings.

23 Q. And did you live at home?

24 A. No, I lived in an apartment. I believe
25 I lived at home for a little while.

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1 Q. Were you drinking during that time
2 period?

3 A. No.

4 Q. When did you resume drinking again?

5 A. February or March of -- I'm trying to
6 remember exactly. It was March of the following
7 year.

8 Q. What caused you to start drinking
9 again? Was there an event?

10 A. I had been staying sober for my
11 girlfriend, Mildred Breedlove, at the time. She
12 had -- was off and on sober, and she relapsed pretty
13 bad and went down to a rehab center in Atlanta. At
14 that point I had no reason to stay sober, so I
15 proceeded to attempt to drink myself to death.

16 Q. Now, during the time from October of
17 2000 to March, during that time period, you were
18 sober, correct?

19 A. Yes.

20 Q. And you hated Father U. and you hated
21 Father Ensey?

22 A. Yes, I considered hate, yes.

23 Q. And you hated them because they -- why?

24 A. Because they had abused me, because
25 they had provided more alcohol -- they had provided

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1 alcohol for me. I did not begin drinking every day
2 until I met Father Ensey. Did I mention they abused
3 me? I'm sorry.

4 Q. Did you tell anyone during that time
5 period?

6 A. Not that I recall.

7 Q. All right. So you didn't tell anyone
8 during that time period your allegations concerning
9 the abuse?

10 A. No.

11 Q. Did you tell anybody during that time
12 period the reason why you left Shohola?

13 A. I said that it was over difficulties
14 concerning their financial spendings and the fact
15 that they would not let me attend the college, which
16 was also true, but it wasn't the prime reason.

17 Q. I take it that during that time
18 period -- talking about the time period from October
19 to March -- you were sober, you knew you had been
20 abused, but yet you didn't tell anybody?

21 A. I had not fully come to grips with the
22 fact that I had been abused. I had come to grips
23 with certain events of the abuse, but not the
24 entirety of it.

25 Q. Well, let's go through those events.

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1 Q. Okay.

2 A. That was the night after the first
3 actual physical molestation occurred. I remember
4 being shaky, and I walked outside and smoked a
5 cigarette and drank the entirety of it.

6 Q. Now, tell me about the lunch, what they
7 saw you do at lunch.

8 A. They saw me -- one time that I
9 specifically remember, they saw me drink the beer
10 that Father Ensey handed me while eating lunch.

11 Q. A beer at lunch?

12 A. One or two.

13 Q. Two beers at lunch. What else?

14 A. They saw me drinking wine at dinner
15 that Father Ensey provided.

16 Q. How much wine?

17 A. I don't remember. They saw us drinking
18 together in their living room and on their back
19 porch.

20 Q. What did they see?

21 A. They saw us with glasses of alcohol in
22 our hand. They saw us fixing glasses of alcohol.
23 They saw me -- in fact, I remember them seeing me fix
24 Father Ensey and myself drinks.

25 Q. Now, the next name is?

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1 MR. CIMINI: You said that your
2 parents had seen it, as well.

3 THE WITNESS: Yes, Father Ensey
4 visited my family home between my junior
5 and senior year for, I believe, a week
6 during the summer then, and I think my
7 parents saw us drink a couple of beers
8 together.

9 BY MR. COGNETTI:

10 Q. Well, were you intoxicated when you
11 were drinking these beers?

12 A. Not that summer, no.

13 Q. Did your parents see you intoxicated?

14 A. Not that I'm aware of.

15 Q. Did they see you drinking more than one
16 or two beers?

17 A. They saw -- I'm not sure. You'd have
18 to ask them what they saw.

19 Q. Well, I'm asking you what you did in
20 front of your parents concerning alcohol that they
21 could --

22 A. I believe, if I remember correctly, I
23 drank two beers out of a six-pack that Father Ensey
24 brought and put in our home refrigerator for me and
25 him and stated as much, if I remember correctly, to

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1 my parents.

2 Q. So it was a six-pack that he had
3 brought to the house. What did your parents say?

4 A. I don't remember them saying anything
5 directly at that time.

6 Q. Did they tell you not to drink the
7 beer?

8 A. I don't remember.

9 Q. Did they question you about Father
10 Ensey providing beer to you?

11 A. I do remember that, and they were a
12 little hesitant about it, but I said that we didn't
13 drink that often together.

14 Q. So you lied to your parents?

15 A. Yes.

16 Q. All right. And did your parents
17 mention anything to Father Ensey?

18 A. I don't know. I --

19 Q. I'll rephrase it. Did they in your
20 presence?

21 A. In my presence, no, not that I
22 remember.

23 Q. Did Father Ensey ever tell you your
24 parents said anything to him?

25 A. I believe Father Ensey mentioned that

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1 my dad had had a conversation with him about it.

2 Q. Did your father ever mention that he
3 had a conversation with Father Ensey?

4 A. I believe he did, but I don't remember
5 exactly.

6 Q. Well, do you know what that
7 conversation was about?

8 A. I don't.

9 MR. COGNETTI: Vince, who was
10 the next --

11 MR. CIMINI: Marjorie Hulett.

12 THE WITNESS: Yes, she was one of
13 Father Ensey's parishioners. I met her during
14 my junior year at St. Gregory's Academy and
15 wrote letters back and forth with her through
16 my senior year and kept in contact with her
17 through the time that I was at Thomas Aquinas
18 College.

19 She came out that Thanksgiving, as
20 well, that I went out to his parents' house to
21 visit Thomas Aquinas, and she was over at the
22 house on more than one occasion when I was
23 drinking. She did see me drunk at his
24 parents' house, with alcohol that he had
25 provided for me when we were decorating a

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1 Christmas tree. I remember that. I remember
 2 not being able to hang the glass balls up on
 3 the tree and kept breaking them. I believe
 4 both his parents and Marjorie Hulett were
 5 there for that.
 6 BY MR. COGNETTI:
 7 Q. When you were at Father Ensey's house
 8 in California on that Thanksgiving, was there any
 9 other members of Father Ensey's family there?
 10 A. I know his brother came by once. I
 11 don't remember.
 12 Q. Were his grandparents there?
 13 A. They may have been. I don't remember.
 14 Q. You don't remember who was there?
 15 A. I remember his grandparents being at
 16 his parents' house, but I don't remember whether it
 17 was then or whether it was the summer following that.
 18 Q. Do you know if his grandparents were
 19 living at the house with his parents?
 20 A. I think so. I don't -- I'm pretty
 21 sure.
 22 Q. You think they were living there?
 23 A. I think they were either --
 24 Q. So they would be there through these
 25 episodes of your drinking, correct?

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1 A. I believe so, yes.
 2 Q. All right. So --
 3 A. I remember them being around while I
 4 was drinking because Father Ensey told me that they
 5 had commented to him that I might need to watch my
 6 drinking.
 7 Q. And did you?
 8 A. What, watch my drinking?
 9 Q. Yes.
 10 A. I tried.
 11 MR. COGNETTI: What was the next name,
 12 Vince?
 13 MR. CIMINI: Aunt Helen.
 14 BY MR. COGNETTI:
 15 Q. Aunt Helen?
 16 A. That's my father's sister. Father
 17 Ensey and I spent one or two days, when he had come
 18 to visit us between my junior and senior year, at her
 19 house in Wilmington, North Carolina. I remember that
 20 we drank a lot that time. My cousin, Erin -- Erin
 21 Lipka is her last name and her last name, as
 22 well -- drank with us a little bit that I remember.
 23 I do know that she remarked later on to
 24 my father that Father Ensey was not welcome back due
 25 to the amount of empty beer bottles that she found

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1 from us and to the extent that, I guess, we were very
 2 intoxicated. I don't really remember.
 3 Q. You don't remember that?
 4 A. No.
 5 Q. Do you remember when she made that
 6 comment to your father?
 7 A. No.
 8 Q. Do you know if it was after the lawsuit
 9 was filed or before?
 10 A. I believe it was before.
 11 Q. Did your father ever ask you about it?
 12 A. Maybe months later on. I don't
 13 remember. I honestly couldn't tell.
 14 Q. You can't remember if you had a
 15 conversation with your father concerning anything
 16 your Aunt Helen had said?
 17 A. No.
 18 Q. So you don't remember when that
 19 conversation took place?
 20 A. I remember having a conversation with
 21 my father about that after the lawsuit was filed or
 22 just prior or right around the time, after I told him
 23 about the Father Ensey stuff.
 24 Q. Was that the first time you heard about
 25 your Aunt Helen's concerns?

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1 A. To my knowledge, yes.
 2 MR. CIMINI: Joshua Clark.
 3 BY MR. COGNETTI:
 4 Q. Joshua Clark?
 5 A. He was a friend of mine at Thomas
 6 Aquinas College. If I remember correctly, he and
 7 I -- he came out to visit St. Gregory's Academy, and
 8 I can't say for certain whether -- I did -- I can't
 9 say for certain on that, whether or not he saw Father
 10 Ensey and I drinking together. I know he and I drank
 11 together, but I don't remember.
 12 Q. Well, the instances you have
 13 described -- and correct me if I'm wrong -- occurred
 14 at mealtimes in Father Ensey's house, your aunt's
 15 house, correct? They're the times --
 16 A. That people have seen us drinking
 17 together --
 18 Q. Okay.
 19 A. -- at mealtimes, and then also not at
 20 mealtimes, but at, you know, respective peoples'
 21 houses.
 22 Q. Now, you're implying -- and maybe it's
 23 the wrong implication, and I want you to correct
 24 it -- that Father Ensey supplied you liquor when you
 25 were up at St. Gregory's?

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1 A. Okay.
2 Q. When was the first time that you recall
3 that you ever had any physical contact with Father
4 Urrutigoity?
5 A. Urrutigoity?
6 Q. Yes.
7 A. It was either that September or that
8 October, that Fall of 2000.
9 Q. Tell us the circumstances.
10 A. I was staying in his room, and he -- I
11 offered to sleep on the floor. He said his mattress
12 was big enough and said that we didn't want to be
13 Puritans. He said that besides, since I was going to
14 be up there for a little while, I should develop a
15 good relationship with him and that I should share
16 his mattress on the floor. I did so.
17 For the first couple of nights, I
18 had -- there was no contact whatsoever. Then maybe
19 on the third or fourth night, I was either -- I think
20 I was just laying in bed and he came in later and
21 reached around me and tried to fondle me. I rolled
22 over onto my stomach and just pretended to sleep. I
23 didn't really know what to say.
24 Events very similar to that happened
25 two other times, and it was either -- two or three

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1 other times, and it was either the second or the
2 third time that I woke up to him fondling me, and I
3 just basically said, you know, I don't want you to do
4 that.
5 He said something about, you know,
6 being a Puritan, you know, no problem and whatever,
7 so I just rolled over on my stomach as close to the
8 wall as possible and then -- and after the first
9 time, I requested a change to another room, and I
10 reiterated that request every day for -- when those
11 events were happening.
12 Q. And that was after you arrived up
13 there?
14 A. Yes.
15 Q. And after you had stayed in Father
16 Ensey's room and then Father Urrutigoity's room?
17 A. Yes.
18 Q. And this was after you were told that
19 you were not going to be accepted as a college
20 student?
21 A. Yes.
22 Q. Could you be a little bit more explicit
23 in what Father Urrutigoity actually did?
24 A. He -- I was lying on my side, on my
25 right side, facing the wall and he reached over

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1 around my side and at first just, you know, laid his
2 arm across me and then moved it down and began to
3 grope my genitalia.
4 Q. Define groping.
5 A. Moved his hands all around my penis and
6 testicles.
7 Q. And how long did he do that?
8 A. A matter of seconds until I rolled over
9 onto my stomach.
10 Q. And were you clothed?
11 A. I was clothed, yes.
12 Q. And was he clothed?
13 A. As far as I know. I don't know.
14 Q. Was he awake?
15 A. Was he awake?
16 Q. Yes.
17 A. He had come in, and I could hear him
18 undress. I'm assuming he was awake.
19 Q. You're assuming he was awake?
20 A. Yes.
21 Q. And that happened for milliseconds?
22 A. I said a matter of seconds. As long as
23 it took -- however long it took for me to roll over
24 onto my stomach. I don't know how long that was.
25 Q. All right. And that was Occasion 1?

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1 A. Yes, Occasion 1.
2 Q. Okay.
3 A. Occasion 2 was the same thing as far as
4 I remember, and then the third time I woke up to
5 that, to him groping me in the same manner.
6 Q. And each time it was a matter of
7 seconds?
8 A. It was -- yeah, a matter of until I
9 could roll over onto my stomach.
10 Q. Did you ever discuss it with Father U.?
11 A. Aside from the last time where I told
12 him no, no.
13 Q. Did you ever tell any of your
14 counselors in rehab about Father U.?
15 A. I don't remember.
16 Q. You don't remember if you ever did?
17 A. I don't remember.
18 Q. Is it possible you never told anyone
19 until you told Jeff Bond?
20 A. It's possible.
21 Q. And it's possible that Jeff Bond was
22 the first person you told about Father U.?
23 A. Yes.
24 Q. And it's possible that Jeff Bond was
25 the first person you told about Father Ensey?

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MR. BENDELL: Objection; asked and answered.

THE WITNESS: I already answered that I had spoken about Father Ensey several times before I spoke to Jeff Bond.

BY MR. COGNETTI:

Q. Now, when did you first have any physical contact with Father Ensey?

A. The first time was on May 16th of my junior year. It was my birthday. We were drinking that night, and after getting pretty drunk, he -- I believe we started out on beer and then drank some Graapa which he had.

He proceeded to describe for me the -- that there was this oath that a medieval knight would take for -- as an oath of fealty towards his lord in showing loyalty and so on and so forth and that the knight should kneel down before his, quote/unquote, lord and place his folded hands inside the folded hands of his, quote/unquote, lord and that they would then proceed to kiss each other on the mouth as a matter of loyalty and brotherhood or whatever you want to call it.

He asked me if I wanted to do that. I said, "Are you crazy?" And there was some

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discussion. I don't remember exactly, fully. I was pretty drunk. I remember, you know, it's a thing of brotherhood. It's a thing of, you know, platonic friendship. It's not a thing of, you know, sex or anything like that.

I knelt down before -- reluctantly I agreed to do it. I knelt down before him and did as he asked, and when I did, he opened his mouth and forced his tongue into my mouth. I pulled back, I grabbed my drink and I finished it and walked out of the room.

Q. Now, you mentioned that you were drinking.

A. Yes.

Q. Did anyone ever see Father Ensey give you any alcohol?

A. Simon Tanner heard -- opened the door one time in the corner office at St. Gregory's Academy while we were drinking together. I don't know if he saw anything, but he certainly heard the bottles clink together as Father Ensey went to move them behind the chair. In the next couple of weeks, he would greet me in the hallway by saying, Chink, chink, in reference to the bottles. I don't recall any --

Q. Could you tell us any human being who could testify that they witnessed Father Ensey giving you alcohol?

A. Marjorie Hulett, Father Ensey's parents, my parents, my Aunt Helen, possibly Joshua Clark -- yeah, certainly Joshua Clark.

Q. Now, going over each one of these names, describe the circumstances under which they saw Father Ensey give you alcohol.

A. Okay. Will you read off the names for me?

Q. I didn't write them down, but I want to --

MR. COGNETTI: Are you all right?

COURT REPORTER: Yes.

MR. COGNETTI: Do you want to take a break and just give me the list of names? I don't want to push anybody through this deposition. Is everybody -- continue to go?

MR. BENDELL: Yeah, that's fine.

MR. COGNETTI: Vince, do you have the names?

MR. CIMINI: Father Ensey's parents.

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THE WITNESS: I was staying at his house over Thanksgiving -- I believe I already mentioned that -- of my senior year at Thomas Aquinas College. I drank, I believe as far as I know, every night I stayed at their house and every morning, as well.

He -- the first thing we did when we entered the house, he pointed out the -- his parents' open bar in their living room and said, you know, have whatever you want.

BY MR. COGNETTI:

Q. Tell me the circumstances under which Father Ensey's parents saw you drink.

A. They saw me drink at dinner, they saw me drink at lunch, they saw me drink at breakfast.

Q. They saw you drink at breakfast. Let's start with breakfast. What did they see you do at breakfast?

A. Walk over to the bar, since Father Ensey had opened it to me the night before, and pour myself a glass about this high (indicating), three-quarters full of vodka and put grapefruit juice on top.

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1 A. Yes.

2 Q. And where did he supply that liquor to

3 you?

4 A. He supplied it in his bedroom,

5 outside -- we would go for a walk, and he'd bring a

6 bottle with him sometimes -- in the corner office at

7 St. Gregory's Academy, those three places.

8 Q. Is there any other person who could

9 verify that on those occasions, Father Ensey gave you

10 any alcohol?

11 A. Simon Tanner can affirm that he heard

12 the glasses clinking.

13 Q. He heard glasses clink. Okay.

14 A. Not that I'm aware of.

15 Q. Is there any witness that you know who

16 could verify that Father Ensey ever physically

17 touched you?

18 A. Not that I'm aware of.

19 Q. I want you to take your time and think

20 about that answer. Is that your answer?

21 A. In terms of physically touched me in

22 what way? In terms of putting his arm around me or

23 in terms of --

24 Q. A sexual --

25 A. Not that I'm aware of.

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1 Q. Now, you alleged the first time that

2 Father Ensey had any physical contact with you of a

3 sexual nature was in May of 1998?

4 A. Yes, that's correct.

5 Q. Directing your attention to the period

6 of time preceding that -- that would be the fall and

7 spring of your junior year -- had you spent any time

8 alone with Father Ensey?

9 A. Quite a bit.

10 Q. Tell us the circumstances.

11 A. He asked me to meet him -- after I went

12 to confession with him that first time, he asked me

13 to start meeting him for spiritual direction.

14 Q. What is spiritual direction?

15 A. You know what, I honestly have no idea.

16 Q. What do you mean when you use the term

17 *spiritual direction*?

18 A. What do I mean? I -- supposedly some

19 sort of counseling concerning spiritual matters. It

20 was the term he used, so --

21 Q. Is it different from confessions?

22 A. I believe it has the same understanding

23 of confession. It's more of an extended sort of

24 confession. That's the understanding I was given of

25 it.

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1 Q. Since we're making a record and some of

2 us may not be familiar with Catholicism, let's go

3 back and establish. What's your understanding of

4 what a confession is?

5 A. A confession is an open confession by

6 one person to a priest of their sins to receive

7 absolution and also possible advice to, you know, how

8 to avoid those sins in the future.

9 Q. And I understand that you sought out

10 Father Ensey and asked him to hear your confession?

11 A. Yes.

12 Q. And I assume your purpose was the

13 purpose you just indicated of a confession?

14 A. Right.

15 Q. After that, you described something

16 called spiritual direction.

17 A. Yes.

18 Q. What is your understanding of what

19 spiritual direction is?

20 A. At the time it was added help

21 concerning any spiritual troubles I may be having.

22 Q. Were you having any spiritual troubles

23 in the Fall of 1998?

24 A. In reality or to my mind then?

25 Q. Either one.

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1 A. To my mind then, yes; to my mind now,

2 no.

3 Q. How do you make a distinction between

4 your mind then and your mind now?

5 A. Being with what I was taught being

6 raised Catholic, I was having difficulty with

7 masturbation, as I think every, you know, 16-year-old

8 boy does, or at least to my mind, I was told that it

9 was, you know, a huge problem.

10 So when I confessed it to him, he said,

11 "Well, maybe we should discuss this in the future,

12 and maybe we can work out some of the issues leading

13 to this," so on and so forth. I viewed it as a

14 problem then, and he told me it was a problem. He

15 told me it was a serious grave mortal sin that was

16 putting my soul in danger. And, I mean --

17 Q. And now you don't believe that?

18 A. No, absolutely not.

19 Q. But at the time you did?

20 A. Yes.

21 Q. And that happened in the Fall of 1998?

22 A. Yes.

23 Q. Now -- no, excuse me.

24 A. '97.

25 Q. '97?

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1 A. Yes.
2 Q. Now, from that point, describe your
3 relationship from that point in time to May 16th or
4 17th of 1998.
5 A. We would meet, beginning two, three
6 times a week.
7 Q. Where?
8 A. Occasionally, a couple of the first
9 times, we met in -- I want to say it was the faculty
10 dining room at St. Gregory's Academy. In fact, yes,
11 it was there. Then we began to meet in the corner
12 office of the Society of St. John's.
13 Q. Describe to me where the corner office
14 is.
15 A. It's on the third floor, what was the
16 Society of St. John's side, on the front half of the
17 building.
18 Q. Where --
19 A. If you were standing facing the
20 building, it's on the far left on the top.
21 Q. And how many rooms are on the third
22 floor?
23 A. A lot.
24 Q. And how close is it to the stairways?
25 A. It's very close to the stairways,

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1 reasonably walking -- I mean, 20, 30 -- the door is
2 maybe 20, 30 feet.
3 Q. And you said this was an office. Could
4 you describe the office?
5 A. I mean, there was a bed in there.
6 There was a desk. They used it as a guest bedroom,
7 as well as an office.
8 Q. Were there doors on the room?
9 A. One door.
10 Q. One door?
11 A. Yes.
12 Q. Were there windows?
13 A. I believe two windows.
14 Q. How big of a room was it?
15 A. Smaller than this one, so -- I couldn't
16 give you exact dimensions.
17 Q. Smaller than the room, and I think this
18 room --
19 MR. COGNETTI: Somebody with a
20 better estimate probably may want to
21 correct me, but I would say it's 12 by 15.
22 MR. BENDELL: Or 12 by 18, maybe
23 something like that.
24 THE WITNESS: The room is also
25 L-shaped. There was kind of a -- maybe a

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1 10-foot passageway, about the width of the
2 door, walking in, in between two walls and
3 then the room itself.
4 BY MR. COGNETTI:
5 Q. So you would meet over in his office,
6 that office?
7 A. That office, yes.
8 Q. And how many times would you meet with
9 him over in that office?
10 A. Several times a week.
11 Q. What time of day?
12 A. Usually at night, after lights out.
13 Q. After lights out?
14 A. Yes.
15 Q. How would you get over there?
16 A. I would walk over.
17 Q. Were there other people walking around
18 at that time?
19 A. Some, sometimes.
20 Q. And would they see you?
21 A. Sometimes, yes.
22 Q. Would you tell them where you were
23 going?
24 A. Yes.
25 Q. And did you have an appointment to see

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1 him at those times?
2 A. Well, we would agree earlier in the day
3 to meet, you know, that night, yes.
4 Q. So you would agree earlier in the day
5 to meet. And when you say "lights out," what time do
6 the lights go out?
7 A. You know, I honestly don't remember.
8 It was after Compline, so maybe 9:00, 9:30.
9 Q. So after 9:00, you would agree to meet
10 over in the office?
11 A. After that, yes.
12 Q. And this is --
13 A. After night prayers.
14 Q. -- after you first met him?
15 A. Yes.
16 Q. And you met with him in that office
17 from --
18 A. And other places, yes.
19 Q. What other places?
20 A. We sometimes would go for walks outside
21 around the property. Sometimes we would just simply
22 stand and talk in the cafeteria.
23 Q. How frequently would you go to this
24 office?
25 A. I would say several times a week. I

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1 mean, an average of three times a week, maybe, two to
2 three times a week.

3 Q. Would there be anyone present during
4 these meetings?

5 A. No.

6 Q. Did you feel you were getting help with
7 whatever problem you perceived you had at the time?

8 A. Not really, but I felt that I was
9 developing a friend.

10 Q. Did you want to develop a friend at
11 that time?

12 A. I'm not really sure. I think so.

13 Q. Is that during the period of time when
14 you were isolated?

15 A. I think I began to isolate after I met
16 Father Ensey.

17 Q. Now, during these meetings -- and
18 correct me if I'm wrong -- there was no physical
19 contact at all between the Fall of 1997 and the
20 alleged kiss of May?

21 A. He may have given me a back massage,
22 fully clothed, maybe three times or something,
23 between that time.

24 Q. Was that after a soccer game or after
25 an athletic event?

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1 A. It may have been. I have severe
2 shoulder problems.

3 Q. Did you request that he do that after
4 such events?

5 A. I don't remember.

6 Q. Is it possible that you did?

7 A. It is possible.

8 Q. And is it possible that they occurred
9 during the daytime hours?

10 A. It is possible.

11 Q. And not the nighttime hours?

12 A. I know for a fact that we did meet in
13 the afternoon sometimes, yes.

14 Q. So the back rubs occurred during the
15 daytime hours?

16 A. I remember two or three of them
17 certainly occurring at the nighttime hours and --

18 Q. Well, how many were there between this
19 time period?

20 A. I hadn't really thought about it until
21 just now, so I would say more than eight.

22 Q. And they were fully clothed?

23 A. Yes.

24 Q. Now, when was the first time you allege
25 that Father Ensey gave you alcohol?

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1 A. Within -- it was either the second or
2 third time that we met for, quote/unquote, spiritual
3 direction. He asked me if I wanted a drink, and I
4 said yes.

5 Q. And what did he provide to you? What
6 did he allegedly provide to you?

7 A. I believe at that time we drank one or
8 two beers.

9 Q. Did he ever provide to you during this
10 time period -- we're talking the time period between
11 the fall and May -- any other forms of alcohol?

12 A. He provided me wine and, later on, hard
13 liquor, either right before Christmas break of that
14 year or afterwards. I know certainly afterwards in
15 the spring.

16 Q. In what quantities was this alcohol
17 allegedly provided to you?

18 A. He would provide me anywhere
19 from -- ranging from a 12-pack of beer between the
20 two of us to -- well, on two occasions, we polished
21 off a larger bottle of Jameson, which is whiskey, a
22 bottle of wine between us, a larger bottle. I
23 remember several occasions where it was up in
24 the -- you know, a bottle apiece.

25 Q. So between that time period, did you

100

1 ever get intoxicated as a result of the alcohol?

2 A. Intoxicated, yes. Maybe five or six
3 occasions.

4 Q. So five or six occasions between this
5 time period?

6 A. That I remember, yes.

7 Q. And did you ever spend a night in that
8 room between October and May?

9 A. I don't recall doing so.

10 Q. And after you would be intoxicated,
11 where would you go?

12 A. I mean, obviously, sometimes I just
13 don't remember. I did black out during that period.

14 Q. So you don't remember where you went?

15 A. I remember sometimes being intoxicated
16 and going back to my room.

17 Q. You said you had blackouts.

18 A. Yes.

19 Q. You just said you have blackouts. Do
20 you still have blackouts today?

21 A. Do I still have blackouts today? I
22 don't drink anymore today. Up until I stopped
23 drinking, yes.

24 Q. My question is, do you still have
25 blackouts today?

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1 A. Right now, as of this moment?
2 Q. Yes.
3 A. No. I mean, I don't drink. They were
4 alcoholically induced.
5 Q. So all your blackouts are alcoholically
6 induced?
7 A. As far as I'm aware, yes.
8 Q. To your knowledge, did the alcohol have
9 any long-term effects or present effects on your
10 ability to remember?
11 A. Yes.
12 Q. And that still exists today?
13 A. I have a hard time placing
14 chronological sequence of events. Sometimes that's
15 the most of difficulties. I don't remember things
16 from when I was drinking, and I -- but, I mean --
17 Q. Well, who was your roommate during this
18 time period?
19 A. My roommates, it would have been
20 Frederick Martin, Sean Smith was in the room for a
21 while, a guy named Brendan -- I don't remember his
22 last name -- Nicholas Souve. I don't remember any
23 others.
24 Q. Well --
25 A. And that would have been my junior

1 Q. You told them where you got the
2 alcohol?
3 A. Yes. I told Gareth Hudson that I drank
4 with Father Ensey. I told --
5 Q. Let me refine my question, if I may.
6 The times you were intoxicated, did you tell anyone
7 that you got --
8 A. Oh --
9 Q. -- intoxicated from liquor provided --
10 A. Yes.
11 Q. -- by Father Ensey?
12 A. Yes, Brendan -- I don't remember his
13 last name, but he was in my room my junior year. I
14 told Matthew Talerico one time when I was intoxicated
15 that I was drinking with Father Ensey. I believe I
16 told Joe Klobe -- I'm pretty sure on that -- one time
17 that I remember and I believe, also, Eric Kopec.
18 Q. Was that your junior year?
19 A. Junior or senior. I'm not -- over the
20 junior year.
21 Q. I'm giving you a definite question
22 here.
23 A. Okay. Sorry. I misunderstood.
24 Q. I want to give you an opportunity to
25 respond. I'm talking about the period October to

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1 year. My senior year, I remember Thomas Raneri, my
2 brother, Daniel Prorock, Lawrence Rich. I think he
3 was also in my room my junior year for a little
4 while.
5 Q. What are the names of your brothers?
6 A. Daniel and John.
7 Q. Have either of your brothers ever been
8 treated for alcohol abuse?
9 A. Not that I'm aware of.
10 Q. Drug abuse?
11 A. Not that I'm aware of.
12 Q. Anyone in your family, to your
13 knowledge?
14 A. I believe my Aunt Chris.
15 Q. Is that the one -- Chris Lipka?
16 A. No, Christina Cawley.
17 Q. And on whose side of the family is she?
18 A. My mother's.
19 Q. Well, going back to this period of
20 time, did you ever tell anybody, any of your
21 roommates, I just left Father Ensey's room. I got
22 drunk again? Did they know that you were getting
23 drunk with Father Ensey?
24 A. I believe Frederick Martin did. My
25 brother Dan did when he was there.

1 May.
2 A. Frederick Martin and my friend -- I
3 don't know if it's a friend -- my roommate Brendan.
4 I don't remember his last name. That's the only two
5 people I could say for sure from my junior year.
6 Q. So your brother Dan was not there your
7 junior year?
8 A. I believe he was there. I mean, he was
9 at St. Gregory's.
10 Q. But he was not your roommate?
11 A. I believe he was my roommate for a
12 little while.
13 Q. But you have no memory telling him
14 during that time period?
15 A. No, I have memory telling him during my
16 senior year, but not during my junior year. The rest
17 of the names I gave, all in that list, including the
18 ones from my junior year, I have memories of telling
19 during my senior year.
20 MR. COGNETTI: I'd like to take a
21 five-minute break.
22 (At this time there was a brief
23 recess taken.)
24 BY MR. COGNETTI:
25 Q. Mr. Prorock, we just finished

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1 discussing the period of time between October and May
2 of '97 through '98. Now, I'm going to direct your
3 attention to the period of time from November of '98,
4 Thanksgiving weekend, through August of '99, after
5 your graduation.

6 A. Yes.

7 Q. Are you familiar with that time period?

8 A. Yes.

9 Q. I take it you were still at
10 St. Gregory's?

11 A. Yes.

12 Q. Did you have any physical contact with
13 Father Ensey during that period of time?

14 A. During that time period, outside of the
15 Thanksgiving trip, I remember an incident of physical
16 contact in, I want to say it was December, before
17 Christmas break, one time in February and probably
18 five times between March and May.

19 Q. All right. So there were incidences,
20 then --

21 A. Yes.

22 Q. -- between Thanksgiving and your
23 graduation?

24 A. Yes.

25 Q. Did you ever tell anybody there weren't

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1 any incidents during that time period?

2 A. I don't recall.

3 Q. You don't recall telling anybody that?

4 A. I don't think so. I don't know. I may
5 have, but I don't remember telling anyone that.

6 Q. You don't have any recollection of
7 telling anybody that there were no incidents during
8 that time period?

9 A. No.

10 Q. Is there any reason why you wouldn't
11 tell anybody there were no incidents during that time
12 period?

13 A. The only reason I could think of why I
14 would say that would be if I either didn't remember
15 or was trying to minimize what happened.

16 Q. Why were you trying to minimize what
17 happened?

18 A. In the interests of trying to justify
19 it for my own mind, just trying to -- I don't know.
20 I think a lot of it, in the interest of, be it
21 avoiding -- avoiding scandal, trying to cope with
22 what had happened, I think would be the two main
23 interests. The main one would be trying to cope with
24 what happened.

25 Q. When were you concerned about those

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1 interests?

2 A. Trying to cope with what happened?

3 Q. Of the scandal, about minimizing it,
4 when did you --

5 A. Up until probably April or May of 2001.

6 Q. But after that, you didn't try to
7 minimize it?

8 A. Not to my knowledge. I was still
9 having difficulty coping with it, but I wasn't trying
10 to minimize it.

11 Q. And when asked about it, you wanted to
12 tell the truth?

13 A. Yes.

14 Q. Well --

15 A. Outside of not remembering, no.

16 Q. Going back to your birthday incident --

17 A. Yes.

18 Q. -- did you ever have a discussion with
19 anyone after that incident contemporaneously with the
20 events?

21 A. Not to my knowledge.

22 Q. Did you discuss it with Father Ensey?

23 A. Not that I remember.

24 Q. When was the next time you had an
25 alleged sexual contact with Father Ensey?

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1 A. After the birthday incident?

2 Q. Yes, sir.

3 A. The Thanksgiving trip.

4 Q. All right. So between the birthday
5 kiss and Thanksgiving, there was no other?

6 A. Not that I remember, no.

7 Q. Not that you remember. Okay. And
8 during that time period, where were you?

9 A. Let's see. This is the summer between
10 my junior and senior year. I spent some of the
11 summer at home. I spent, I think it was right around
12 two weeks in France directly after graduating -- or
13 not after graduation, that year, not my graduation.
14 Father Ensey came down for, I believe it was a week,
15 after I got back from France and stayed at my
16 parents' house.

17 Q. No sexual contact during that time
18 period?

19 A. No, not that I remember at all. He
20 stayed in my room, and I stayed down on the couch in
21 my parents' living room on the first floor. He was
22 on the second floor. Then I believe I spent the rest
23 of that summer in Raleigh working.

24 Q. When you were in France, did you have
25 trouble with alcohol?

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1 A. Yes.
 2 Q. What kind of problems did you have?
 3 A. I drank a lot.
 4 Q. Father Ensey wasn't on that trip?
 5 A. No.
 6 Q. Who gave you the alcohol?
 7 A. It's -- I could purchase it over there.
 8 Q. You had no problem?
 9 A. Yeah.
 10 Q. Are you saying that Father Ensey is the
 11 cause of your problems with alcohol?
 12 A. Not the only cause, no.
 13 Q. But is a cause of it?
 14 A. I believe he aided with that, yes.
 15 Q. He aided by doing what?
 16 A. By encouraging me to drink frequently
 17 and by providing it for me frequently before I ever
 18 drank on a regular basis.
 19 Q. You never drank before you met --
 20 A. I didn't say that, sir. I said before
 21 I ever drank on a regular basis.
 22 Q. And my question is, prior to meeting
 23 Father Ensey, you never drank on a regular basis?
 24 A. I drank here and there, but not daily,
 25 by any stretch of -- nor several times a week.

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1 Q. You did not?
 2 A. Did not.
 3 Q. Prior to meeting Father Ensey, you did
 4 not drink several times a week?
 5 A. Yes, to daily, yes.
 6 Q. Well, how frequently did you drink
 7 prior to meeting Father Ensey?
 8 A. Once a week, once every two weeks, only
 9 during the summer of my -- between my freshman and
 10 sophomore year. Then the summer between my sophomore
 11 and junior year, I drank a total of maybe three
 12 times, four times during the whole summer.
 13 Q. Upon returning after your junior year
 14 to St. Gregory's and Thanksgiving -- and you stated
 15 during that period, there was no sexual physical
 16 contact?
 17 A. From returning to St. Gregory's to that
 18 Thanksgiving trip?
 19 Q. Yes.
 20 A. Not that I remember at all.
 21 Q. And during that time period, how often
 22 would you see Father Ensey?
 23 A. Several times a week.
 24 Q. Where?
 25 A. The places I listed before.

1 Q. And, again, there's no witnesses to him
 2 giving you alcohol during that time?
 3 A. Not that I'm aware of.
 4 Q. Did any of the other priests from the
 5 other Society, St. Peter's, ever see Father Ensey
 6 give you alcohol?
 7 A. I don't know.
 8 Q. Were they aware of the --
 9 A. I don't know.
 10 Q. Now, how did it come to be that you
 11 went to California for Thanksgiving of 1998?
 12 A. Father Ensey suggested that I go out
 13 there to visit Thomas Aquinas College, and since his
 14 parents lived nearby, he suggested that I stay with
 15 him there since he was going home for vacation.
 16 Q. How long a trip was it?
 17 A. I believe a week or a week and a half.
 18 I don't remember.
 19 Q. Did you miss any school days because of
 20 that trip?
 21 A. I think, if I remember correctly, one
 22 or two. I don't remember.
 23 Q. And how did you get out there?
 24 A. I flew.
 25 Q. And who paid for your ticket?

1 A. I don't remember.
 2 Q. Well, did your parents pay for it?
 3 A. I think. I don't remember.
 4 Q. Well, who else besides you or your
 5 parents would pay for it?
 6 A. Father Ensey, possibly. I know he paid
 7 for one of my plane tickets at some point, somewhere.
 8 I don't remember which. He may have paid for that
 9 one. I don't know.
 10 Q. Do you recall the names of his parents?
 11 A. His father's name is Mike, and I don't
 12 remember his mother's name.
 13 Q. Do you remember his grandparents'
 14 names?
 15 A. No.
 16 Q. And I think we established before that
 17 they were there --
 18 A. Yeah.
 19 Q. -- through Thanksgiving?
 20 A. Yeah.
 21 Q. They being the grandparents?
 22 A. Right.
 23 Q. Do you recall his brother's name?
 24 A. Brian.
 25 Q. Do you recall how big a house it was?

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1 A. Reasonably big. There was a dining
2 room, a formal living room, a living room with a TV
3 and a bar in it, a kitchen, breakfast area next to
4 the kitchen, a guest bedroom, a further guest bedroom
5 that I believe was being used for storage and workout
6 equipment, Father Ensey's bedroom and a master
7 bedroom.

8 Q. And that weekend, the grandparents were
9 there, so all the rooms were being utilized, all the
10 bedrooms?

11 A. I believe so, yes.

12 Q. Now, how did you get from the airport
13 to Father Ensey's home?

14 A. I believe, if I remember correctly,
15 Father Ensey's -- either his father or mother or both
16 picked us up. I don't really remember.

17 Q. Did you drink on the plane?

18 A. No.

19 Q. Were you sober when you arrived?

20 A. Yes.

21 Q. What time of day did you arrive?

22 A. I believe it was early afternoon.

23 Q. What did you do upon arriving?

24 A. We dropped our baggage off at Father
25 Ensey's house, arranged for sleeping arrangements and

114

1 then Father informed his parents that we were going
2 to go out to the beach and spend the night out there
3 that night. We went and purchased, I believe, two
4 bottles of wine and spent the night on the beach and
5 then came back the following morning.

6 Q. When you spent the night on the beach,
7 what beach did you spend the night on?

8 A. Leo Carillo.

9 Q. And where did you stay at the beach?

10 A. We slept on the sand.

11 Q. Was there any sexual contact on the
12 sand?

13 A. I don't remember.

14 Q. Have you ever alleged any sexual
15 contact on the sand?

16 A. I remember when I woke up, his arms
17 were wrapped around me.

18 Q. Did you bring blankets to the beach?

19 A. I believe we brought two.

20 Q. Did you bring sleeping bags?

21 A. No.

22 Q. So you brought two blankets and what
23 else?

24 A. Wine.

25 Q. And that's it?

115

1 A. And cigarettes.

2 Q. Any food?

3 A. I believe we brought a loaf of bread.
4 I don't remember anything else.

5 Q. So you had a loaf of bread, some
6 cigarettes and some wine and two blankets?

7 A. Yes.

8 Q. What time did you arrive on the beach?

9 A. Some time in the early evening. I
10 don't know.

11 Q. What do you call early evening?

12 A. It was still light out.

13 Q. What time did you leave the next day?

14 A. Some time very early in the morning.

15 The sun was just coming up. I remember it was foggy.

16 Q. And how did you get from Father Ensey's
17 house to the beach?

18 A. He drove his mother's car.

19 Q. And you recall him having his arm
20 around you when you woke up?

21 A. Both of his arms around me, yes.

22 Q. Were you sleeping face-to-face?

23 A. No, I was sleeping with my back towards
24 him.

25 Q. Your back was towards him, but he had

116

1 his arms around you?

2 A. Yes.

3 Q. Where were the blankets?

4 A. On the ground.

5 Q. Both of them?

6 A. I don't remember having one on top of
7 me, no.

8 Q. What did you do the next day?

9 A. The next day?

10 Q. Yes. You returned from the beach, and
11 you went to --

12 A. Went back to his parents' house, if I
13 remember correctly. I don't know. I mean, I
14 remember drinking more. I remember eating with his
15 family. At some point I went out and spent the night
16 over at TAC.

17 Q. What is TAC?

18 A. Thomas Aquinas College.

19 Q. All right. So then the next night, you
20 went over to Thomas --

21 A. I don't know if it was the next night
22 or not, sir.

23 Q. Well, just tell me what you did the
24 next day, sir. I wasn't there.

25 A. I don't know what I did the next day.

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1 I cannot place chronologically what -- which dates,
2 what happened. I was drinking the entire trip.

3 Q. So you can't recall whether you spent
4 the next night at Father Ensey's home or not?

5 A. I did spend the next night at his home,
6 yes.

7 Q. You did?

8 A. Yes. It was after then that I spent
9 the night at Thomas Aquinas.

10 Q. Then you went to Thomas Aquinas?

11 A. Yes.

12 Q. And how many nights did you spend at
13 Thomas Aquinas?

14 A. I believe one.

15 Q. And then where did you go?

16 A. Back to Father Ensey's house.

17 Q. And how long did you spend at Father
18 Ensey's house?

19 A. I don't remember. A couple nights.

20 Q. Well, how long were you gone?

21 A. Sir, I honestly do not remember. I was
22 drinking the entire time, and it was several years
23 ago.

24 Q. Well, do you recall when you left?
25 Thanksgiving is usually on a Thursday.

118

1 A. Yes. I remember leaving on the Sunday
2 after Thanksgiving, so --

3 Q. So you left to come back on the Sunday
4 after Thanksgiving?

5 A. It was either -- yes, the Saturday or
6 the Sunday after Thanksgiving.

7 Q. And did you have a Thanksgiving meal
8 with Father Ensey's family?

9 A. Yes.

10 Q. And was that the day after you arrived?

11 A. I don't remember that being the day
12 after I arrived. I believe it was several days after
13 we arrived.

14 Q. So you don't recall when you left to
15 go?

16 A. I believe we left the weekend prior to
17 Thanksgiving.

18 Q. So the first night you spend --

19 A. On the beach.

20 Q. -- on the beach, second night Father
21 Ensey's house. Then you went to Thomas Aquinas
22 College for how many days?

23 A. I believe one. I spent the night
24 there.

25 Q. Then you came back to Father Ensey's?

119

1 A. Yes.

2 Q. What do you recall about Thanksgiving
3 Day at Father Ensey's house?

4 A. I remember drinking wine. I -- there
5 were some people from Thomas Aquinas College who came
6 over, so there was a fair gathering there.

7 Q. Do you recall whether you went to
8 Thomas Aquinas College before Thanksgiving or after
9 Thanksgiving?

10 A. Before.

11 Q. Do you recall how you got there?

12 A. Father Ensey drove me.

13 Q. Do you recall how you got back to
14 Father Ensey's house?

15 A. I believe I rode back with Michael
16 Miller. I'm not sure. So I believe it was the day
17 before Thanksgiving that I stayed the night.

18 Q. The room you stayed in at Father
19 Ensey's house had a king-size or queen-size bed in
20 it?

21 A. I think it was a queen. I'm not sure.

22 Q. It was larger than a regular bed?

23 A. Yes.

24 Q. Where is Father Ensey's parents' room
25 in proximity to the room you stayed at in his house?

120

1 A. Back behind it.

2 Q. Do they have a common wall?

3 A. I believe either their bedroom shares a
4 common wall or their closet shares a common wall.

5 Q. Father Ensey's room shared a common
6 wall with his grandparents?

7 A. No.

8 Q. Where was their room?

9 A. I believe it was right in the front of
10 the house.

11 Q. Was that across the hall?

12 A. It was across and down the hall, yes.

13 Q. What, if any, sexual contact do you
14 allege that Father Ensey had with you during your
15 stay at his parents' home?

16 A. The second night -- well, the first
17 night that we stayed at his parents' home, the second
18 night in California --

19 Q. We don't know what date that is, the
20 day before Thanksgiving or Thanksgiving or --

21 A. No, this would be several -- this --
22 I'm not sure of the exact date on it, no, but it was
23 not the day before Thanksgiving. I'm aware of that.

24 Q. How many days -- you used the term
25 several, and that's confusing to me -- how many days

121

1 did you spend at Father Ensey's parents' home?
 2 A. I think five, four or five.
 3 Q. Are you alleging that you had sexual
 4 contact with Father Ensey on all five days?
 5 A. I remember sexual -- I'm stating that
 6 there was sexual contact on four of those days.
 7 Q. Were the four days continuous, or was
 8 there a break?
 9 A. No, there was a break.
 10 Q. What caused the break?
 11 A. My visit to Thomas Aquinas.
 12 Q. Well, you said you spent five days at
 13 his house. On four days, you had sexual contact?
 14 A. Yes.
 15 Q. So --
 16 A. I believe it was two before
 17 Thanksgiving -- two before my visit to Thomas Aquinas
 18 and two after.
 19 Q. So one day you spent at his house, you
 20 did not have any -- you are not alleging --
 21 A. I am saying that I don't remember
 22 anything -- I don't remember. These are the
 23 incidents that I remember or events that I remember.
 24 Q. All right. Tell us the incidents you
 25 remember in chronological order.

122

1 A. The first -- it was the first night
 2 that we spent at his parents' house. I remember
 3 drinking a lot, and I remember that he kept giving me
 4 more alcohol. I remember we started drinking before
 5 his parents went to bed, continued late into the
 6 night. I believe --
 7 Q. I don't mean to interrupt you, but did
 8 his parents see you intoxicated?
 9 A. I don't know.
 10 Q. Were you intoxicated in front of his
 11 parents?
 12 A. Yes.
 13 Q. All right.
 14 A. Then I remember him saying, "Well, we
 15 better get to bed." So I went to his room where he
 16 had previously said that I would sleep, and I
 17 took off my -- I had a dress shirt on, a pair of
 18 khakis, a T-shirt and boots. I took off my boots and
 19 my dress shirt and went to get into bed.
 20 And he said, "Are you going to sleep
 21 like that?" I said, "Yeah." And he basically said,
 22 "Don't be a Puritan," you know. So I said, "It's not
 23 Puritan. I just feel comfortable that way." And he
 24 said, "Well, we're like brothers. It's not a big
 25 deal."

123

1 And he proceeded to -- I was pretty
 2 drunk, and I remember him taking my shirt off and my
 3 pants off, so I was in a T-shirt and boxers. And he
 4 said, "Well, let me give you a back massage." So he
 5 started to give me a back massage, and then he took
 6 my T-shirt off. Then he clicked out the light and
 7 said, "Well, it's time for bed."
 8 Then I remember he -- I was sleeping
 9 with -- facing the window near his bed, away from
 10 him.
 11 Q. Where is the door?
 12 A. There is a door near the foot of his
 13 bed. If you were facing the bed, where it touches
 14 the wall, it's on the right-hand side. It would be
 15 the back-hand corner.
 16 Q. And the door was open?
 17 A. Not that I'm aware of.
 18 Q. Do you know if it was closed?
 19 A. I remember him shutting it. I mean, I
 20 don't know if he --
 21 Q. Do you have a memory of the door being
 22 closed?
 23 A. I have a memory of the door being
 24 closed, yes.
 25 Q. Okay.

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1 A. And I know -- I do know that we had
 2 opened -- he has a sun room door or a door that goes
 3 to the outside on the other side of that door, and I
 4 remember going out there for a cigarette before I
 5 went to bed.
 6 Q. Does that share a common balcony with
 7 any other rooms?
 8 A. It opens to the side of the house.
 9 Q. Is there a door from the master bedroom
 10 to that balcony?
 11 A. I wouldn't exactly call it a balcony.
 12 I don't think there is.
 13 Q. So while you can't remember a lot, you
 14 remember the door being closed?
 15 A. I remember shutting the door behind me.
 16 Q. You shut the door?
 17 A. Yes.
 18 Q. He did not shut the door, you shut the
 19 door?
 20 A. Yes, because I had gone out after I got
 21 my drink to get some more alcohol. He asked me to
 22 mix both him and myself another drink.
 23 Q. So after you shut the door, what
 24 happened?
 25 A. We talked for a while, and that was

125

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1 when he flicked the light out.

2 Q. From where did he flick the light off?

3 A. There was a lamp right next to his bed,
4 and he reached over and clicked it off. Then he
5 put -- proceeded to put his arms around -- as I was
6 trying to state before, my back was -- my face was
7 towards the window, if you were facing at the bottom
8 of the bed, on the left-hand side, and my back was
9 towards him. He reached around and put his arms
10 around me, and I was pretty drunk and falling asleep
11 at that point.

12 And he said -- I remember him saying,
13 before I fell asleep, that if I felt anything that
14 night, not to worry about it because he was human,
15 and I could feel his --

16 Q. Because he was what? I'm sorry.

17 A. Human. And I could feel his erection
18 on my buttocks area. I woke up, or came to or
19 whatever, some time later that night and he was
20 pushing my head down towards his groin and holding my
21 right hand on his penis. And I remember saying, you
22 know, something along the lines of, you know -- I
23 remember saying, "I don't want to." I think I
24 remember saying, you know, "No," and several other
25 things, kind of foggy.

1 lips. I don't remember --

2 Q. And then what happened?

3 A. I blacked out at that point.

4 Q. Did you pass out or black out?

5 A. I don't know. I'm pretty sure it was a
6 blackout. I was pretty drunk.

7 Q. What's the difference between a pass
8 out and a blackout?

9 A. I'm not sure that there's a huge one,
10 sir.

11 Q. Well, tell me the --

12 A. For me, a blackout is when I remember
13 being up and around and then suddenly my memory -- I
14 don't remember anything past that point. Pass out is
15 when I remember laying down before; I don't remember
16 anything else.

17 Q. Well, did you wake up with a semen
18 taste in your mouth?

19 A. No, I woke up, sir, with blood around
20 my anus encrusted and it was hurting and I was
21 fucking pissed off.

22 MRS. PROROCK: Fuck you, jerks.

23 You're jerks. You're all jerks.

24 THE WITNESS: You fuckers.

25 MRS. PROROCK: Jerks. Jerks. You

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1 And he said -- I remember him
2 responding, you know, that it couldn't be wrong
3 because he was a priest and that -- and I remember
4 protesting again, and he said that if I was a real
5 friend, I would, and that it wasn't a problem because
6 that's what real friends do. And the last thing I
7 remember is him forcing my -- his penis into my
8 mouth.

9 Q. You recall that?

10 A. I recall that.

11 Q. When you were interviewed by Officer
12 Gilgallon, you didn't tell him that story?

13 A. I don't know.

14 Q. You don't know.

15 A. I don't remember.

16 Q. When you answered interrogatories, you
17 didn't put in there --

18 A. I thought I did.

19 Q. But you have a recollection of it
20 today?

21 A. Yes, it's the same recollection as far
22 as I know that I've had.

23 Q. You have a recollection of his penis
24 coming into your mouth?

25 A. Starting to, yeah. I mean, right on my

1 don't know. You don't know.

2 MR. COLEMAN: Let's take a break.

3 (At this time there was a brief
4 recess taken.)

5 BY MR. COGNETTI:

6 Q. The last we were speaking on the
7 deposition was you were describing an incident that
8 you said you blacked out at, and I was asking you the
9 difference between blackout and pass out.

10 A. Yes, sir.

11 Q. We'll rephrase the questions for point
12 of context. Did you pass out?

13 A. I -- no. I blacked out.

14 Q. And the difference being?

15 A. That I remembered action prior to my
16 memory stopping, right up until the moment that my
17 memory stopped.

18 Q. And then you blacked out?

19 A. Yes.

20 Q. And what is the first memory you have
21 upon awaking?

22 A. Pain around my anus. It was the first
23 memory I have. I remember going to the shower in the
24 bathroom that's attached directly to this room, and
25 when I was washing myself, discovering that there was

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1 dried blood on my anus.
2 While I was in the shower, Father Ensey
3 came and got in the shower with me and tried to
4 embrace me from behind, and when I turned around, I
5 could see he had an erection. I got out of the
6 shower and walked into the bedroom, towed myself
7 off, pulled on pants and a T-shirt and walked into
8 his parents' living room.

9 I remember his mother being in the
10 kitchen. I fixed myself a very tall glass of vodka
11 with a little bit of grapefruit juice in it and went
12 outside, next to his room on the side/back area -- I
13 believe the trash cans were back there -- and smoked
14 a couple of cigarettes.

15 I remember being very shaky, and I
16 remember trying to convince myself that nothing had
17 happened, consciously, you know, deciding, no,
18 nothing happened, you know, but wanting to -- you
19 know, that that would be the case.

20 I walked back into the room, and he was
21 sitting on his bed getting dressed. When he was
22 pulling his shoes on, I snapped a picture of him with
23 my camera. I don't know why, I just did.

24 I remember that we had a conversation
25 in which he suggested that I start to see Father

130

1 Urrutigoity as a spiritual director and that he and I
2 should just stay very close friends and be very close
3 friends, and I remember saying, "Well, I don't really
4 know Father U. and I'd like to just stay with you as
5 a spiritual director and keep our relationship on
6 that sort of confessor/spiritual director basis
7 rather than a friendship basis."

8 Q. Well, when you awoke in the morning, my
9 question was, did you have any semen taste in your
10 mouth?

11 A. I don't know what semen tastes like.

12 Q. Did you seek any medical attention?

13 A. No.

14 Q. Did you tell his parents?

15 A. No.

16 Q. Did you tell anyone?

17 A. No.

18 Q. Did you ask him what happened?

19 A. No.

20 Q. Did you have a discussion with him over
21 what happened?

22 A. No.

23 Q. What time did you wake up that morning?

24 A. I don't know, between nine and ten, I
25 think.

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1 Q. What did you do after that?

2 A. I don't remember.

3 Q. All right. Did you stay in the room
4 the following night?

5 A. I believe so, yes.

6 Q. Was there any sexual contact that
7 night?

8 A. I woke up -- I was drinking very
9 heavily that night. I don't remember anything that
10 night, nor the previous nights. But on three other
11 occasions, three other mornings when I woke up after
12 staying the night in his room, I woke up with blood
13 encrusted on my anus again.

14 Q. All right. Besides the blood around
15 your anus, is there any other contact you recall?

16 A. No.

17 Q. Did he try to hug you in bed?

18 A. I remember --

19 Q. Well, let's go chronologically, and I
20 don't mean to --

21 A. Yeah.

22 Q. You have described this one incident
23 when you woke up. The next day, what did you do?

24 A. The next day -- which next day?

25 Q. The next day after this allegation that

132

1 you woke up and you found blood around your anus.

2 A. I remember taking a shower, and I think
3 that was the day I went up -- it was either that day
4 or the next day that I went up to Thomas Aquinas.

5 Q. And when you saw his parents or his
6 grandparents, you didn't say anything to them?

7 A. No.

8 Q. You didn't say anything to him, nor did
9 you seek any medical attention?

10 A. No.

11 Q. When you went up to Thomas Aquinas, did
12 you tell anybody about the incident?

13 A. No.

14 Q. Then you did not spend the next night
15 at his house?

16 A. I don't think so. I'm not sure whether
17 it was that next night or the night after.

18 Q. Now, did you ask to sleep somewhere
19 else?

20 A. I believe at -- the night after the
21 first incident, I asked to sleep on the couch, but I
22 don't remember for certain. I know I asked that
23 certainly the first day we got there, but I can't say
24 for certain if I did. I remember thinking that I
25 would like to, but I also remember thinking that that

133

1 might give some sort of bad connotation.
 2 Q. I don't understand that.
 3 A. Some sort of connotation that possibly
 4 something had happened, and that was the one thing
 5 that I did not want to admit.
 6 Q. Well --
 7 A. Does that make sense?
 8 Q. No. That's an editorial comment, but
 9 we'll continue.
 10 MR. BENDELL: It makes sense to me.
 11 BY MR. COGNETTI:
 12 Q. You're not sure if you stayed there the
 13 next night. When was the next time you were in
 14 Father Ensey's room?
 15 A. The next time I was in Father Ensey's
 16 room for -- to spend the night?
 17 Q. Yes, sir.
 18 A. My bags were in there. To spend the
 19 night was either that next night or the night after I
 20 got back from Thomas Aquinas.
 21 Q. And did you spend another night in his
 22 room?
 23 A. Yes.
 24 Q. Did he --
 25 A. I spent the rest of my time on that

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1 trip.
 2 Q. Well, describe to me any other, if any
 3 other, contact of a sexual nature you and he had.
 4 A. The contacts that I remember, I'm not
 5 sure that they could be classified as sexual. I
 6 remember twice that when I was falling asleep, he put
 7 his arms around me, but that's all I remember.
 8 Q. So that was the only other things that
 9 happened?
 10 A. That I remember happening, yes.
 11 Q. And you don't remember waking up on any
 12 other occasions with blood --
 13 A. Other than those three times, no.
 14 Q. Three times?
 15 A. I said three, yes, sir, the first time.
 16 Q. Well, let's go back, then, because you
 17 have me confused.
 18 A. Okay.
 19 Q. The first night you described?
 20 A. Right.
 21 Q. And you recall waking up two other
 22 mornings?
 23 A. Three other mornings.
 24 Q. Three other mornings?
 25 A. Aside from that first.

135

1 Q. Did you tell that to Trooper Gilgallon?
 2 A. I believe so, yes.
 3 Q. And you told him in the details you
 4 told me?
 5 A. I believe so, yes.
 6 Q. And when he interviewed you, he had a
 7 video taken of that, did he not?
 8 A. Yes.
 9 Q. So that all should be on the video?
 10 A. Yes.
 11 Q. And you told him on three occasions or
 12 four occasions?
 13 A. Four occasions total, yes.
 14 Q. Do you suffer from any medical problem
 15 around your anus?
 16 A. No.
 17 Q. Have you ever been diagnosed with any?
 18 A. No.
 19 Q. Do you have any hemorrhoids or anything
 20 like that?
 21 A. Not that I'm aware of.
 22 Q. Did you ever have a discussion with
 23 Father Ensey on these three other mornings?
 24 A. No.
 25 Q. Did you talk to his parents?

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1 A. Concerning the incidents, you mean?
 2 Q. Yes.
 3 A. No.
 4 Q. Did you talk to anyone about those
 5 incidents?
 6 A. Not until much later.
 7 Q. Now, that was in November of 1998?
 8 A. Yes, sir.
 9 Q. Was there any other sexual contact that
 10 you viewed or are alleging between then and your
 11 graduation?
 12 A. Yes.
 13 Q. Tell me when and where.
 14 A. I remember four times. Once in
 15 December --
 16 Q. Let's stop right there. December.
 17 Where?
 18 A. It was in his bedroom. We had been
 19 drinking together, I believe, in his room. We may
 20 have started drinking in the corner office, but I
 21 know we were drinking a little while in his room, and
 22 he asked me to spend at least part of the night with
 23 him. I got pretty drunk. I was pretty drunk at that
 24 point when he asked me. I do remember him fondling
 25 or groping in the same manner that I described

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1 before, my genitalia.
 2 Q. Instantaneous? It's one of those one
 3 or two seconds, grab at your genitalia?
 4 A. I remember three seconds of it. I
 5 remember either waking up or coming to, you know,
 6 lucid interval in my drunkenness and that going on,
 7 and then I don't remember anything after that.
 8 Q. So how soon after you returned from
 9 California was this?
 10 A. Within the month. I -- it was probably
 11 within two weeks.
 12 Q. And in that interval, I take it, you
 13 were upset over what happened in California?
 14 A. Yes, but I was trying to -- I was upset
 15 and I was also -- I don't know how to phrase
 16 this -- trying to put it out of my mind, is probably
 17 the best way to phrase it.
 18 Q. You were trying to put it out of your
 19 mind?
 20 A. Yes.
 21 Q. Did you avoid contact with Father
 22 Ensey?
 23 A. Not to my knowledge.
 24 Q. Well, if you were trying to put it out
 25 of your mind, why weren't you trying to avoid contact

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1 with him?
 2 A. Because I didn't believe that he could
 3 do something wrong.
 4 Q. Do you believe that those things
 5 happened?
 6 A. Yes -- did I then?
 7 Q. Then, yes.
 8 A. Then, I think somewhere in my mind,
 9 yes, but I did not want to admit them fully.
 10 Q. Well, you had a suspicion that they
 11 happened?
 12 A. Yes.
 13 Q. Did you do anything to guard against
 14 that suspicion?
 15 A. No.
 16 Q. So you didn't tell any of the other
 17 priests?
 18 A. No.
 19 Q. You didn't avoid contact?
 20 A. No.
 21 Q. You didn't avoid drinking around him?
 22 A. No.
 23 Q. When he, according to you, asked you to
 24 spend a night in his room, you didn't say no?
 25 A. By this point, I had pretty much fully

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1 isolated from most of my classmates, and he had
 2 become what I considered my only friend.
 3 Q. Why had you isolated yourself from your
 4 other classmates?
 5 A. I did not feel accepted by them. I
 6 think largely -- they did make fun of me for spending
 7 time, you know, with Father Ensey. I remember
 8 several occasions during my junior year that, you
 9 know, I'd come back from the room, and they'd be
 10 making -- you know, just saying, Oh, you're out with
 11 your friend or whatever.
 12 I remember one time coming back pretty
 13 late at night and Nick Souve, one of my roommates,
 14 had spit all over my bed, spit mucus all over my bed,
 15 so I didn't really feel accepted.
 16 Q. I'm trying to get to why you didn't
 17 feel accepted. That had nothing to do with Father
 18 Ensey?
 19 A. I believed that Father Ensey was the
 20 only one who understood me.
 21 Q. I understand that, but your isolation
 22 from your classmates had nothing to do with Father
 23 Ensey?
 24 A. In the sense that Father Ensey was the
 25 only one who sought out to spend time with me and the

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1 only one who I felt gave me the time of day, yeah, in
 2 a way, it did.
 3 Q. Because Father Ensey was helping you
 4 and listening to you --
 5 A. Yes.
 6 Q. -- that aided your isolation?
 7 A. I believe so in the sense that he sort
 8 of, through comments, discussed how that he -- there
 9 was a lot -- he made a point to discuss friendship
 10 quite frequently and to discuss how friendship should
 11 be kept between one or two -- you know, between a few
 12 people and how he was a true friend to me and no one
 13 else was.
 14 Q. Well, you were having trouble
 15 establishing friendships?
 16 A. I had had friendships my freshman and
 17 sophomore year.
 18 Q. And you were having problems with
 19 friendships in your junior year?
 20 A. Not to my knowledge before Father Ensey
 21 arrived.
 22 Q. So you lost all your friends that you
 23 had accumulated in your freshman and sophomore year
 24 after Father Ensey arrived?
 25 A. I would say it was kind of a growing

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1 distance. We were in different -- we had all been
2 roommates my freshman and sophomore year, so we
3 didn't see each other quite as much.

4 Q. What did Father Ensey have to do with
5 you losing your friends from your freshman and
6 sophomore year?

7 A. Just in the sense that convincing me
8 basically that he was my only real friend, so he was
9 the only one I bothered to invest time in.

10 Q. How did you get back to your room that
11 night?

12 A. I don't remember.

13 Q. And this was a three-second groping, as
14 you described it?

15 A. About that, that I remember, yes.

16 Q. What did you say or do?

17 A. I don't remember saying anything. I
18 was very drunk.

19 Q. When was the next incident?

20 A. The next incident was February, after
21 Christmas break, that I remember. It was a similar
22 occasion, almost the same events, except that when I
23 sort of came to or woke up or whatever and found him
24 groping me, I did roll over on my stomach.

25 Q. Well, let me go back in time. Where

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1 did this occur?

2 A. This occurred in his bedroom, again.

3 Q. In his bedroom?

4 A. Yes.

5 Q. And what time of day was it?

6 A. It was some time late at night.

7 Q. How did you get there?

8 A. I walked over there and opened -- you
9 know, knocked on his door, and he said, "Come in."

10 Q. So you went over to his room?

11 A. Yes.

12 Q. And back in December, did you go to his
13 room, also?

14 A. I -- back in December, I met him after
15 Compline and went to the corner office and began -- I
16 think we had two or three beers apiece and then went
17 back to his room and drank some more. I remember
18 drinking more beer. I don't remember if we drank
19 anything else.

20 Q. We're going to the February incident
21 now.

22 A. Right.

23 Q. You came to his room?

24 A. Yes.

25 Q. What time of day or night was it?

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1 A. Maybe 10:00 at night.

2 Q. You knocked on his door. What was he
3 doing?

4 A. I believe he was sitting, reading. He
5 was sitting on his bed.

6 Q. And then what happened?

7 A. I remember drinking with him and
8 then --

9 Q. Was he in his bed, in his night
10 clothes?

11 A. No, he was wearing his cassock, sitting
12 on his bed. It was shortly after Compline, night
13 prayer. I remember drinking with him. I think we
14 were drinking wine that night. My memory got kind of
15 patchy. Then I remember him taking off his cassock
16 and asking me to get into bed with him just for a
17 while, and then I don't remember anything until I
18 woke up and found him groping me and rolled over onto
19 my stomach.

20 Q. And did you spend the night there?

21 A. I don't know if it was shortly after
22 that, but some time after that -- it was still dark
23 out -- I remember getting up and going back to my
24 room.

25 Q. Why did you get up and go back to your

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1 room? Why didn't you stay there?

2 A. I didn't feel comfortable there. I
3 don't know why. I think probably as a result of what
4 I vaguely remembered happening.

5 Q. So you didn't feel comfortable now?

6 A. Yes.

7 Q. You had California, you had December
8 and now you don't feel comfortable?

9 A. I was not feeling comfortable prior to
10 then, but due to continued insistence on the fact
11 that I was raised American and therefore had
12 Puritanical instincts concerning male friendship and
13 that it was natural for men to sleep in the same bed
14 together and natural for men to be, you know, close
15 friends and to, using his words, to cuddle and that,
16 you know, if I was a real friend, then it was good.

17 Q. Now, you just gave us your view of
18 American Puritanical --

19 A. No, no. I'm giving you what he said
20 was his view.

21 Q. When did he say that?

22 A. He said that some time starting back in
23 my junior year and continued discussions with that.

24 Q. Well, going back to this episode in
25 February, you said you were uncomfortable. Did you

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1 have any discussion with him at that point?
 2 A. No.
 3 Q. Did you tell anybody at that point?
 4 A. No.
 5 Q. Did you make a note or ever write down
 6 any of these allegations as they were occurring?
 7 A. No.
 8 Q. Did you keep a diary?
 9 A. No.
 10 Q. Did you avoid, now, Father Ensey after
 11 February?
 12 A. No.
 13 Q. Did you continue to seek him out?
 14 A. I did some time during -- I think it
 15 was the second semester of my senior year, he
 16 informed me that Mr. Hicks, Alan Hicks, the
 17 headmaster, didn't want boys going over and having,
 18 you know, spiritual direction or counseling meetings
 19 after Compline.
 20 Q. So he told you not to come over?
 21 A. No, no, no. He informed me that
 22 Mr. Hicks said that, but he said it was fine, just
 23 stay very quiet about it. In fact, he encouraged me
 24 to do so.
 25 Q. Any witnesses to that conversation

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1 where he encouraged you to do so?
 2 A. No, that was he and I.
 3 Q. And what happened? Was there
 4 another --
 5 A. I remember between February and May,
 6 three more, so a total of four incidences closely
 7 resembling that one.
 8 Q. You would go over -- well, tell me
 9 about each one.
 10 A. Each one? I remember the next one, I
 11 think, was some time in March. We were drinking
 12 outside, out in the back field, and stayed out there
 13 until pretty late talking. I'm pretty sure it was
 14 some time in March. I can't give an exact date. It
 15 was when spring was coming on.
 16 I remember him asking me to come back
 17 to his room. At that point I blacked out, and then I
 18 came to. He was groping again, and I -- groping me,
 19 my genitals again, and I asked him to stop. I'm
 20 pretty sure on that. I remember at the very least
 21 thinking that I wanted him to stop. Then I rolled
 22 over on my stomach and then got up out of the bed and
 23 went back to my room.
 24 Q. That was another two or three seconds?
 25 A. That may have been even shorter. I

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1 think it was pretty much as soon as I realized.
 2 Q. You got up and you left?
 3 A. Yes.
 4 Q. Okay. The next episode?
 5 A. The next episode -- there were two that
 6 were closely together, either in late April or early
 7 May, I'm not sure, somewhere in that part of the
 8 year. They were very similar -- kind of similar to
 9 the first one in that we began drinking in the corner
 10 office with -- that was kind of regular for us during
 11 our spiritual direction. The first time I think we
 12 were drinking vodka, and then we went back to his
 13 room and the exact same thing as the first one. I
 14 don't think I --
 15 Q. What time or day or night was it?
 16 A. That was pretty late at night, maybe --
 17 Q. Went back to his room, and there's a
 18 short grope?
 19 A. Yes, and --
 20 Q. You got up again, offended again, and
 21 went back to your room?
 22 A. No. That time, I just stayed there. I
 23 was very drunk that night. I remember lucidly him
 24 touching me, and I don't remember anything else from
 25 that night. I believe I spent the entire night. I

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1 remember, in fact, getting up -- him waking me up
 2 pretty early that morning --
 3 Q. So you --
 4 A. -- and telling me to go back to my room
 5 before anyone realized that I was gone.
 6 Q. When you say "early" --
 7 A. Like 5:30.
 8 Q. And did you do that?
 9 A. Yes.
 10 Q. Do you remember walking back? Did you
 11 see anyone?
 12 A. I did not see anyone.
 13 Q. Did you try to avoid anyone?
 14 A. No.
 15 Q. You just walked back to your room. How
 16 far was your room from his room?
 17 A. It was across the hallway, across the
 18 main hallway in front of the chapel. I remember just
 19 walking back to my room and going and taking a shower
 20 and then going to bed -- or going and laying in my
 21 bed until morning roll call at 7.
 22 Then the fourth time that he actually
 23 groped me, we were drinking Jameson -- no, we were
 24 drinking Corona out -- it was warmer, so I think it
 25 was in early May -- out on the gazebo on the side of

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1 the building. And we went back to his room via the
2 back stairs, and I went to bed with him for a couple
3 hours. And when I came to, he was groping me again,
4 and I got up and left.

5 Then I remember three other incidences,
6 and I can't place them for time. One of them was in
7 the afternoon. I know it was in the second half of
8 my senior year. One of them was in the afternoon.
9 He was giving me a back massage in the corner office,
10 and he had taken his cassock off and was wearing
11 boxers and a T-shirt and asked me to take my shirt
12 off. He was giving me a back massage. I felt him
13 rubbing up against me, and I could feel the fact that
14 he had an erection. And two other times when he was
15 giving me back massages, one was late in that year --

16 Q. These were in the daytime?

17 A. This was in the daytime.

18 Q. In the office?

19 A. In the office.

20 Q. With his door open?

21 A. No, with the door closed.

22 Q. The door is closed. Was there a lock
23 on the door?

24 A. I believe so.

25 Q. Was the door locked?

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1 A. I don't know.

2 Q. Could anybody have walked in?

3 A. I don't know. I mean, if it was not
4 locked -- no one walked in.

5 Q. Nobody walked in.

6 A. The third back massage incident was
7 during the daytime, same kind of deal. Then the
8 fourth one was at night when he was giving me a
9 massage in the corner office.

10 Q. And that was what, what kind of episode
11 was that?

12 A. Where he was rubbing me, rubbing
13 himself up against my buttocks, while sitting on my
14 back on the bed giving me a massage.

15 Q. Did you tell him to stop? Did you walk
16 away?

17 A. No, I didn't really know what to do. I
18 was just kind of frozen there.

19 Q. You froze?

20 A. Yes.

21 Q. And would you have froze on the first
22 occasion?

23 A. I did on the first occasion, as well.

24 Q. And the second occasion?

25 A. And the second.

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1 Q. And the third occasion and the fourth?

2 A. Yes.

3 Q. So even though you froze, there were
4 three other episodes?

5 A. No, no, no. There were three total
6 episodes of back massages.

7 Q. Three total episodes, not four, because
8 a minute ago you said four?

9 A. No, it was three back massages and then
10 four of the incidents in his bed where he was
11 actually physically touching me.

12 Q. And that's it now?

13 A. Yes.

14 Q. Any more?

15 A. Not during that time period, no.

16 Q. We're up to your graduation, the
17 summer.

18 A. Yes.

19 Q. Were there any during the summer?

20 A. Not that I remember.

21 Q. Were you with him at all during that
22 summer?

23 A. I believe we traveled a little bit. We
24 went out to California. He came to my parents' house
25 for a little while, went out to California, did some

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1 fund-raising. I don't remember anything else
2 happening.

3 Q. Let's be specific. Nothing happened on
4 the trip to California?

5 A. Not that I remember, no. I was
6 drinking very heavily the entire time. I don't
7 remember very much at all. I don't even remember
8 dates or anything like that.

9 Q. So as we sit here today, you cannot
10 remember anything that happened in California?

11 A. No.

12 Q. Or are you telling us nothing happened
13 in California?

14 A. I'm telling you I can't remember.

15 Q. How about any other trips? Did you do
16 a fund-raiser in the South during that year?

17 A. We went down to Atlanta, and I don't
18 remember anything happening.

19 Q. Did you stay at a Holiday Inn?

20 A. We stayed at a Holiday Inn in Raleigh
21 to catch a train out -- or was it -- yes, it was a
22 train up to New York.

23 Q. Did this have two beds in it or one
24 bed?

25 A. One bed. I do remember drinking that

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1 night with him from his flask.
 2 Q. So it's a Holiday Inn in Raleigh with
 3 one bed?
 4 A. Yes, it was one or -- I don't know if
 5 there were -- I honestly don't remember if there were
 6 two beds in there. I remember that we slept in the
 7 same bed. Let's get that -- make sure that that's
 8 straight for the record.
 9 Q. Did anything happen?
 10 A. I don't remember anything happening. I
 11 was very drunk that night.
 12 Q. How did you get to the hotel?
 13 A. My father took us.
 14 Q. What time?
 15 A. Some time in the evening.
 16 Q. What time?
 17 A. I don't know.
 18 Q. Were you drunk when your father dropped
 19 you off?
 20 A. I don't think so.
 21 Q. Do you recall what time you were
 22 dropped off?
 23 A. I want to say eight or nine.
 24 Q. What time did you leave the next
 25 morning?

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1 A. About 4:30 or so.
 2 Q. And you got drunk between 8 or 9 and
 3 4:30?
 4 A. Yes.
 5 Q. And where did you get the alcohol?
 6 A. He gave it to me. It was in a flask of
 7 his.
 8 Q. What size flask?
 9 A. It was about that big (indicating) and
 10 it was pure and it had a Celtic knot on the front.
 11 Q. How much did that flask hold?
 12 A. I don't know milliliters or anything
 13 like that. It -- I mean --
 14 Q. A pint?
 15 A. I -- probably right around there.
 16 Q. Okay.
 17 A. And I drank about three-quarters of
 18 that.
 19 Q. And then you passed out?
 20 A. I went to bed, and I don't remember
 21 anything else until --
 22 Q. Well, how do you know you slept in the
 23 same bed with him?
 24 A. I remember him getting into bed with me
 25 and putting his arms around me. I don't remember

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1 anything more.
 2 Q. Anything else that summer?
 3 A. No, not that I --
 4 Q. Then you went up to Shohola in the fall
 5 for that -- you were sober in Shohola?
 6 A. Yes.
 7 Q. Did anything happen in Shohola in the
 8 fall?
 9 A. Yes.
 10 Q. You were sober now?
 11 A. I was sober. Father Ensey, I think,
 12 had been traveling when I first got to Shohola. When
 13 he got back, he asked me to stay in his room. I
 14 distinctly remember asking, "Well, could I sleep on
 15 the floor?" And since it was an office and the bed
 16 was up in the loft, he said, "Well, in case anyone
 17 walks in, in the morning or whatever, I wouldn't want
 18 them walking over you or whatever," so he asked me to
 19 stay in the bed.
 20 I remember I spent three nights in the
 21 bed there, and I remember every night staying as
 22 close to the edge as possible, the edge where the
 23 ladder was. The first night, I remember waking up
 24 with him reaching around, trying to grope me,
 25 reaching towards my groin area, and I just rolled

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1 over onto my stomach and pretended to sleep.
 2 Q. So an attempted grope?
 3 A. Right.
 4 Q. Okay.
 5 A. The second night, I woke up and he was
 6 actually groping me and I rolled over again. The
 7 third night, I asked him to stop, and he rolled over
 8 and pretended to be asleep or was asleep. I don't
 9 know which, obviously.
 10 Q. He was groping you in his sleep?
 11 A. Well, he rolled over and acted like he
 12 was asleep. I don't know whether he was asleep or
 13 awake. Obviously I'm not him.
 14 Q. Well, describe that grope where you
 15 couldn't determine whether he was asleep or awake.
 16 A. I was pretty sure he was awake. I
 17 mean, his hand was moving.
 18 Q. Well, a minute ago you said you weren't
 19 sure. Now --
 20 A. I was asleep, I woke up and his hand
 21 was on me, and I said, "Will you stop?" And at that
 22 point, he rolled over onto his back and acted like I
 23 had said nothing or whatever. His eyes were closed.
 24 Q. Well, how did he act?
 25 A. He just laid there.

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1 Q. Did you see his eyes?
 2 A. I could vaguely see his eyes.
 3 Q. How could you see his eyes?
 4 A. There's a couple windows in that
 5 office.
 6 Q. So you could see his eyes through the
 7 windows?
 8 A. I could see his eyes because of the
 9 small amount of light that was coming through the
 10 windows.
 11 Q. Were you facing him?
 12 A. When I said stop and he rolled over, I
 13 turned halfway over and looked at him.
 14 Q. So you were sleeping with your back to
 15 the wall?
 16 A. Right, close to the front edge of the
 17 bed, and he was in the back.
 18 Q. And you could see his eyes, and he was
 19 asleep?
 20 A. I could see that his eyes were closed.
 21 Q. Now, after that, any other incidences?
 22 A. With Father Ensey?
 23 Q. Yes.
 24 A. No.
 25 Q. You described the two alleged instances

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1 with Father Urrutigoity?
 2 A. Yes.
 3 Q. Any other instances that you did not
 4 tell us about today with Father Ensey?
 5 A. Not that I'm aware of.
 6 Q. Who else would be aware of them besides
 7 you?
 8 A. None that I remember. I do not recall
 9 any more. I am not aware of any more. If you don't
 10 like the word "aware," I don't remember any more.
 11 Q. What career were you pursuing upon
 12 graduation from St. Gregory's?
 13 A. I'm not sure that I was really pursuing
 14 one. I had vague notions and some thoughts of
 15 entering the priesthood, and I also thought about
 16 teaching English and thought about possibly going
 17 into law.
 18 Q. Did you ever want to be a writer?
 19 A. Yes.
 20 Q. What type of writings did you want
 21 to --
 22 A. Fiction mostly, some nonfiction,
 23 political commentary was kind of floating around the
 24 back of my mind.
 25 Q. Did you have a talent for writing?

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1 A. Some people thought so.
 2 Q. Had a talent for fiction?
 3 A. I'm not sure on that. Some people now
 4 think so. I don't know about then.
 5 Q. What people think you have it now?
 6 A. Angela Davis Gardner, one of my writing
 7 professors; Cheryl Cornet, another one of my writing
 8 professors; Abby -- I think her last name is Hamm.
 9 I'm not sure on that. She teaches at North Carolina
 10 State. I'm friends with her.
 11 Q. Anybody else?
 12 A. Several classmates. I mean, should I
 13 go through a full list of names?
 14 Q. Well, they think you have good ability
 15 as a fiction writer?
 16 A. Yes.
 17 Q. Have they seen and heard your stories?
 18 A. Yes.
 19 Q. Based upon your writings and --
 20 A. Yes.
 21 Q. -- your oral ability to tell a story,
 22 they've determined you're a good fiction writer?
 23 A. Mostly based on my writings. I haven't
 24 done much in terms of readings.
 25 MR. COGNETTI: Could we take our

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1 lunch break now?
 2 MR. BENDELL: Sure.
 3 (At this time there was a
 4 luncheon recess taken.)
 5 BY MR. COGNETTI:
 6 Q. Mr. Prorock, we're back after our lunch
 7 break. During the lunch break, did you have an
 8 opportunity to have any discussions with anybody
 9 besides your attorney?
 10 A. My parents a little bit.
 11 Q. Did you discuss your testimony?
 12 MR. BENDELL: Well, you're asking
 13 him about discussions not in the presence
 14 of the attorney?
 15 MR. COGNETTI: Correct.
 16 MR. BENDELL: Okay. So --
 17 THE WITNESS: No.
 18 BY MR. COGNETTI:
 19 Q. Is there anything you want to change or
 20 modify about your testimony here this morning?
 21 A. I do remember an occasion where I was
 22 seen drinking publicly with Father Ensey. I did
 23 remember that.
 24 Q. Now, is that as a result of your
 25 conversations with your parents at the lunch break

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1 that you remembered that?
 2 A. With my attorney and my parents, yes.
 3 It just popped into mind.
 4 Q. Did they say anything --
 5 MR. BENDELL: Well, they --
 6 BY MR. COGNETTI:
 7 Q. Excluding your attorney. -- to prompt
 8 that memory from popping into your mind?
 9 A. No. It was actually independent of the
 10 conversation. It just came to mind.
 11 Q. What do you recall, sir?
 12 A. I do remember a time, it was the end of
 13 May, probably May 23rd or 22nd of 1998, when there
 14 were several people present. I remember Father
 15 Urrutigoity being there, Father Ensey was there, John
 16 O'Brien, Michael Miller and Frederick Martin are the
 17 ones that I remember being there, when all of us were
 18 sitting on the gazebo outside St. Gregory's drinking
 19 extensively. Father Ensey and I walked out to the
 20 group that was already present, minus us, and sat
 21 down. And he handed me a beer, and we drank until
 22 late in the night.
 23 Q. Well, let me go back over that
 24 allegation, if I may. There was a group at the
 25 gazebo. Where is the gazebo?

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1 A. It's right on the side next to the
 2 parking lot at St. Gregory's Academy.
 3 Q. There were a bunch of people at the
 4 gazebo drinking?
 5 A. Yes.
 6 Q. And you and Father Ensey were not
 7 there?
 8 A. We were not there initially, and we
 9 went there and joined them and drank with them.
 10 Q. When you initially got there -- well,
 11 did you or Father Ensey bring any beer to the gazebo?
 12 A. I don't remember that. Father Ensey
 13 may have. I don't remember bringing any personally,
 14 no.
 15 Q. All right. When you arrived at the
 16 gazebo, was there beer there?
 17 A. Yes.
 18 Q. Do you recall how much beer was there?
 19 A. Several cases.
 20 Q. Several cases of beer?
 21 A. Two or three cases of beer.
 22 Q. Two or three cases of beer?
 23 A. Yes.
 24 Q. And you drank?
 25 A. Yes.

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1 Q. And after you drank that night, did
 2 anything happen?
 3 A. I don't remember anything happening,
 4 no.
 5 Q. Any other changes in your testimony
 6 from this morning?
 7 A. No, sir.
 8 Q. Now, how old are you now?
 9 A. I am 21.
 10 Q. This is the end of April. April 15th
 11 was tax time. Did you file a tax return?
 12 A. I did.
 13 Q. All right. And did you file one for
 14 the prior year?
 15 A. Yes.
 16 Q. How many years have you been filing tax
 17 returns?
 18 A. I'm pretty sure back until I was 14,
 19 so -- or until I was 15. When I started my job at
 20 K-Mart is when I started filing tax returns.
 21 Q. Do you prepare your own tax returns?
 22 A. No, my father has someone who does our
 23 taxes.
 24 Q. And you provide the information for
 25 your tax returns?

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1 A. Yes.
 2 Q. And who does your taxes?
 3 A. I don't know the guy's name.
 4 Q. Your father would know?
 5 A. Yes.
 6 Q. Do you keep a bank account?
 7 A. Yes.
 8 Q. Where is that?
 9 A. It's in Coastal Federal Credit Union.
 10 The branch location I go to is in Raleigh, North
 11 Carolina.
 12 Q. And how long have you had an account
 13 there?
 14 A. I think since I was born.
 15 Q. And do you know what the average
 16 balance of that account is?
 17 A. I don't know the average balance.
 18 Over -- it depends over what period of time.
 19 Q. Well, let's say in 1998, 1999 and 2000.
 20 A. I don't know what the average balance
 21 would have been then.
 22 Q. Did you maintain tens of thousands of
 23 dollars in that account?
 24 A. No.
 25 Q. What was the highest balance that you

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1 can remember?
 2 A. Probably between a thousand and \$2,000.
 3 Q. Do you have any savings accounts?
 4 A. That's what I have, one savings
 5 account.
 6 Q. Do you have a checking account?
 7 A. Not at the moment. I've had a checking
 8 account. I closed it out.
 9 Q. What was the highest you ever had in
 10 your checking account?
 11 A. Several hundred.
 12 Q. Between the years 1998 and today, has
 13 your source of income been limited to what your
 14 parents gave you, money you earned? Any other
 15 sources of --
 16 A. That's -- as far as I'm aware, that's
 17 all. I don't -- birthday money from grandparents and
 18 things like that.
 19 Q. How much would your grandparents give
 20 you on your --
 21 A. My mom's parents usually give me \$20
 22 for my birthday, and my dad's mom usually gives me 50
 23 for my birthday and about the same for Christmas.
 24 Q. Who was paying for your education at
 25 St. Gregory's?

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1 A. My father, as far as I know.
 2 Q. And who gave you your spending money?
 3 A. My father, and I also did have a bank
 4 account, so I did bring some spending money of my
 5 own, but not much.
 6 Q. Not much. When you say "not much,"
 7 could you define that?
 8 A. Maybe \$30 of my own money per quarter,
 9 per -- between breaks.
 10 Q. And after your graduation, did your
 11 father continue to support you?
 12 A. For spending money, no; for college
 13 tuition, yes.
 14 Q. Did you ever see a school psychiatrist
 15 in grade school?
 16 A. I believe I met with the school
 17 counselor once.
 18 Q. Who was that?
 19 A. I don't know his name.
 20 Q. Did you meet with any school
 21 psychiatrist during high school?
 22 A. Not that I'm aware of, no.
 23 Q. Did you meet with any therapists?
 24 A. No.
 25 Q. When did you start your drug use?

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1 A. My drug use? The fall of my senior
 2 year.
 3 Q. And could you chronicle to us your drug
 4 use from then until now?
 5 A. Drug use, I did abuse -- actually, no,
 6 I did start abusing prescription pain pills in the
 7 spring of my -- spring or late fall of my junior
 8 year, but it was periodic, off and on. Then --
 9 Q. I don't mean to interrupt you, but you
 10 said it was prescription drugs you were abusing.
 11 From whom did you obtain that prescription?
 12 A. A doctor here in Scranton.
 13 Q. Do you recall his name?
 14 A. No.
 15 Q. Do you know what the drug was?
 16 A. Hydrocodone and Ultram.
 17 Q. And what were you prescribed that drug
 18 for?
 19 A. The knee injuries and an arm injury.
 20 Q. And how did you abuse --
 21 A. I took too many.
 22 Q. Too many per the prescription dosage or
 23 you kept renewing the prescription without
 24 authorization?
 25 A. No, I had authorization every time I

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1 renewed it, but I would just take too many in one
 2 sitting.
 3 Q. After your prescription drug abuse?
 4 A. I smoked marijuana once during my
 5 senior year, I think. I'm pretty sure it was the
 6 fall of my senior year.
 7 Q. And where was that?
 8 A. Thanksgiving break, up in Binghamton,
 9 New York.
 10 Q. And who gave you the --
 11 A. A friend who had been at St. Gregory's
 12 and was kicked out.
 13 Q. Who's that?
 14 A. Nate Rogers.
 15 Q. What was he kicked out for?
 16 A. I don't -- I think he just didn't have
 17 enough money to pay. I'm not sure whether he was
 18 kicked out or had just left.
 19 Q. And you said you went to Binghamton
 20 during Thanksgiving of your senior year?
 21 A. Yes. My grandmother lives up there, so
 22 we had gone up to visit her, and I went out to spend
 23 an evening --
 24 Q. And that would have been in the --
 25 A. Or actually, no, Thanksgiving of my

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1 junior year.
 2 Q. Your junior year?
 3 A. So I smoked pot for the first time
 4 then. I don't think I smoked pot again until I
 5 was -- until after I had come back to Raleigh after
 6 Thomas Aquinas College.
 7 Q. So you only used pot once between your
 8 junior-senior year until you came back from Thomas
 9 Aquinas College?
 10 A. No, I take that back. I did smoke pot
 11 twice while I was at St. Gregory's, my senior year,
 12 both times with Steven Freshour.
 13 Q. And where did he get the drugs, if you
 14 know?
 15 A. I think he brought them from home.
 16 Q. Did any of the priests know that you
 17 were using marijuana?
 18 A. I don't know. I'm not aware. I don't
 19 remember telling any priests that.
 20 Q. Where did you utilize these drugs?
 21 A. We smoked them in the woods.
 22 Q. Now, did you utilize any drugs during
 23 the Fall of '99 when you were at Thomas Aquinas
 24 College?
 25 A. No.

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1 Q. Did you use any drugs after leaving
 2 Thomas Aquinas College?
 3 A. I smoked pot a couple of times, maybe
 4 three times, between then and when I went back up, in
 5 between then and 2000.
 6 Q. Then you left Shohola in 2000?
 7 A. Right.
 8 Q. So let me make sure that the chronology
 9 is accurate. You leave Thomas Aquinas College in
 10 February of 2000?
 11 A. Yes.
 12 Q. Between then and September --
 13 A. Between -- actually it was all between
 14 February and May.
 15 Q. You smoked marijuana a couple times?
 16 A. Yes, I think three times.
 17 Q. Any other drugs?
 18 A. None that -- no.
 19 Q. Then you go up to Shohola in September?
 20 A. Correct.
 21 Q. And correct me if I'm wrong, you sober
 22 up in August?
 23 A. Yes.
 24 Q. So you're sober in August. You're up
 25 at Shohola. When do you use drugs again?

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1 A. Not until I get back. It would have
 2 been March of 2001.
 3 Q. What drugs do you use then?
 4 A. Marijuana, I think that was -- heroin,
 5 cocaine. It was mostly heroin, though.
 6 Q. How would you use it?
 7 A. Intravenously.
 8 Q. Where would you get the heroin?
 9 A. There was a guy in my apartment complex
 10 where I was living.
 11 Q. How much were you paying for the
 12 heroin?
 13 A. I was paying \$20 a pack.
 14 Q. Where were you getting the money to buy
 15 the heroin?
 16 A. I was working at the time and had money
 17 saved.
 18 Q. How often were you using heroin?
 19 A. I used it for about five days straight.
 20 Q. How were you ingesting the heroin?
 21 A. I was doing it intravenously.
 22 Q. Through what arm or leg?
 23 A. My left arm.
 24 Q. And how much money did you spend on
 25 heroin during that time period?

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1 A. I don't really know. I can give a
 2 rough estimate of 2 to \$300.
 3 Q. Did you deplete all your savings and
 4 money on the heroin?
 5 A. Not on the -- between heroin and
 6 alcohol, yes. Most of it was on alcohol
 7 during March.
 8 Q. How about cocaine?
 9 A. I spent a total of \$80 on cocaine.
 10 Q. How did you use the cocaine?
 11 A. I shot it with heroin once, a little
 12 bit of it, and I snorted the rest.
 13 Q. And you paid for all the drugs
 14 yourself?
 15 A. Yes.
 16 Q. Did you ever trade sex for drugs?
 17 A. No. I traded sex for alcohol once,
 18 kind of. A girl gave me a six-pack and a bottle of
 19 wine and a bottle of vodka --
 20 Q. When was that?
 21 A. -- over at her house. That was at the
 22 end of March of 2001.
 23 Q. Explain to us the circumstances.
 24 A. I had been drinking all day, and she
 25 asked me to come over to her apartment. We were kind

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1 of fooling around and she wanted to have sex and I
2 was a little too drunk at the time and I said maybe
3 later. When I ran out and started shaking, she said
4 she'd give me more booze if I'd have sex with her and
5 I did.

6 Q. Who was this girl?

7 A. I know her first name was Sam. I don't
8 know.

9 Q. Where did you meet her?

10 A. At a coffee shop in Raleigh.

11 Q. All right. So a girl asked you to have
12 sex with her?

13 A. Yes. I was drunk at the time.

14 Q. Well, how many girls, between your
15 first encounter you said when you were 17 with your
16 girlfriend and this girl, how many different women
17 did you have sexual relationships with?

18 A. Between -- the total overall?

19 Q. Yes, we'll go through them.

20 A. Five.

21 Q. Could you name the girls and tell us
22 when and where?

23 A. Amber was the first one. I already
24 gave you the dates on that one. Then there was this
25 girl Sam. I don't know her last name.

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1 Q. That was in March?

2 A. Actually, no, then there was Millie
3 Breedlove, which was in --

4 Q. Who's Millie Breedlove?

5 A. She was my girlfriend at the time.

6 Q. And when was that?

7 A. That was in August. That was just
8 before we got sober. We both went to AA at the same
9 time as a result of having --

10 Q. That was August of '99?

11 A. Yes. Then -- no, August of 2000, I
12 think.

13 Q. August of 2000?

14 A. Yes. Then there was this girl, Sam. I
15 can't remember -- one girl, and I don't really
16 remember her name.

17 Q. Where did you meet her?

18 A. Same coffee shop.

19 Q. And that's a coffee shop in Raleigh?

20 A. Yes. It's Caribou Coffee on Falls of
21 the Neuse Road.

22 Q. Could you tell us when?

23 A. Some time in June or July of 2001.

24 Q. Okay.

25 A. And then there was a girl Kirsten -- I

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1 don't know her last name -- in 2000, first half of
2 2000, like maybe January of 2000. I'm not really
3 sure.

4 Q. Where did you meet her?

5 A. Same coffee shop. She worked there.

6 Q. And you were home during the Christmas
7 break or no?

8 A. This was after I was out on my own.

9 Q. Did you date any of these girls, or was
10 there similar alcohol for sex?

11 A. No, it was casual dating, hanging out.

12 Q. Did you ever make alcohol for sex with
13 any males?

14 A. No.

15 Q. No priest ever provided you any of
16 these illicit drugs?

17 A. Not that -- Father Ensey gave me money
18 one time to refill a prescription.

19 Q. And that was a prescription drug?

20 A. Yes.

21 Q. Did he know? Did you tell him you were
22 overusing the prescription?

23 A. I did tell him on more than one
24 occasion that I had taken more than I was supposed
25 to, so I think it was pretty obvious that I would

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1 take them.

2 Q. Did he respond to that?

3 A. No.

4 Q. He just --

5 A. Later on -- that was during my junior
6 year -- during my senior year, I did say that I was
7 going to cut the prescription pills out, and I did
8 so. And he said, "That's good." That was the
9 response I remember.

10 Q. So in your junior year, you tell Father
11 Ensey that you're taking more prescription drugs than
12 you should and he just didn't respond?

13 A. I don't remember any response
14 whatsoever, in the negative or the positive.

15 Q. During your stay at St. Gregory's, did
16 you ever get beat up, verbally or psychologically, by
17 the other students?

18 A. Yes.

19 Q. Could you tell us when and where?

20 A. My 15th birthday. It was pretty
21 standard to receive birthday beatings, and I was beat
22 with a shillelagh, which is a tall Irish walking
23 stick with a knob on the end, and I was also beat
24 with a bed board. I --

25 Q. Now, who did that to you?

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1 A. I couldn't name names. I mean, several
2 of the seniors.
3 Q. Were you drunk or sober?
4 A. Sober. It was my freshman year.
5 Q. And did you consent to that?
6 A. No. They grabbed me and stretched me
7 out between the -- over the top of a dresser and held
8 me down.
9 Q. Did they do that to everyone or just
10 you?
11 A. It was pretty standard for hazing or
12 birthday beatings, whatever you want to call it.
13 The -- during -- when I started having late-night
14 spiritual direction, or whatever you want to call it
15 with Father Ensey, I would return to my room pretty
16 often and just be mocked, Oh, you're hanging out with
17 your friend again and, you know, whatever, or, you
18 know, you're sucking up, you know, brown-nosing,
19 things like that.
20 There was the incident I referred to
21 you earlier about Nick Souve hocking mucus onto my
22 bed. There were two instances where I came back and
23 they had sprayed shaving cream all over my pillow,
24 things like that.
25 Q. Any other physical contact?

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1 A. John O'Brien and Mike Miller used to
2 smack my arm whenever I would walk by them in the
3 hall, reasonably hard, but that was kind of accepted
4 there.
5 Q. Are they bigger than you or smaller
6 than you?
7 A. At the time they were a little bit
8 bigger. Both of them are a year ahead of me. That
9 was during my junior year.
10 Q. Anything else?
11 A. Not that I remember.
12 Q. Any other verbal abuse?
13 A. Yes, I mean, there was a lot of stuff
14 in terms of people, you know, walking by me in the
15 hall, you know, saying, Oh, Winston or whatever,
16 because I smoked Winstons at the time. People would
17 call out "beer" when they would see me coming, my
18 junior and senior year, because I guess I had come
19 back to my room drunk on multiple occasions.
20 Q. I asked you this before, but I just
21 want to make sure. You never wrote any of this down
22 contemporaneously with the events?
23 A. No.
24 Q. All right. Did you ever give a written
25 statement of these to anyone?

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1 A. I gave a written statement to my
2 attorneys for the interrogatories.
3 Q. By the way, you read these
4 interrogatories, and I don't have to have them
5 marked. I'll hand them to you. "Plaintiffs' Answers
6 to Interrogatories of the Priestly Fraternity of
7 St. Peter and St. Gregory's Academy." You read that?
8 A. Have I read this?
9 Q. Yes.
10 A. The sections that I answered, yes. I
11 have not read my parents' responses.
12 Q. And what is contained in that is
13 accurate, to the best of your memory?
14 A. Yes.
15 Q. And I will hand you what has been
16 marked as, "Plaintiff John Doe's Answers to
17 Interrogatories of Defendants Father Eric Ensey,
18 Father Carlos Urrutigoity and the Society of
19 St. John."
20 A. Is this mine or --
21 Q. It's yours.
22 A. What about it?
23 Q. Did you read it and --
24 A. To the best of my knowledge, it's
25 accurate, absolutely.

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1 Q. It was accurate. And what you told
2 Mr. Gilgallon, what you told him, was truthful?
3 A. Yes.
4 Q. Did you give any other written
5 statements to anyone else?
6 A. I gave an initial statement to my
7 attorney just outlining --
8 Q. Right. And I think you said that at
9 the intake centers, you talked to the psychiatrists
10 and therapists?
11 A. Yes.
12 Q. And what you told them was truthful?
13 A. Yes.
14 Q. And they reviewed that with you at the
15 time?
16 A. To some degree, yes; to some degree,
17 no.
18 Q. Have you ever had an opportunity to
19 review that?
20 A. No. I mean, I may have had -- I
21 probably could request it, if I wanted to. I just
22 haven't --
23 Q. Well, we got it provided to us by your
24 attorneys.
25 A. Okay.

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1 Q. And my question is, did you review that
2 prior to the deposition today?

3 A. No.

4 Q. I want to direct your attention to the
5 Fall of the year 2000.

6 A. Okay.

7 Q. During that time period, you had made
8 reference to the fact that you weren't studying to be
9 a seminarian?

10 A. Right.

11 Q. And that you were working --

12 A. Yes.

13 Q. -- for St. John's Society, correct?

14 A. Yes.

15 Q. Were you working in order to get your
16 board, room and board?

17 A. I was working for room and board, and
18 Father Urrutigoity and Father Fullerton both agreed
19 to give me a stipend when I needed money, which I
20 never received.

21 Q. You never received that?

22 A. No.

23 Q. And during that time period, you were
24 provided room and board?

25 A. Yes.

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1 Q. And during that time period, you met
2 Jeff Bond?

3 A. Correct.

4 Q. And during that time period, you were
5 sober?

6 A. Yes.

7 Q. So you had your full faculties?

8 A. I was pretty psychologically and
9 emotionally disturbed, yes, but aside from that --

10 Q. Are you still psychologically and
11 emotionally disturbed today?

12 A. I would say to some degree, yes.

13 Q. What is the difference of your
14 psychological --

15 A. It's the difference between being one
16 month off of alcohol and the difference between being
17 nine months off of alcohol.

18 Q. What is that difference, sir?

19 A. My mind is much clearer. I have much
20 better recollection today. I've sorted through a lot
21 of the issues that I did not deal with at that time
22 in terms of emotional stress and in terms of my own
23 self-worth, which I had not dealt with at that time.

24 Q. Besides that, was there any other
25 psychological difference between your mental state

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1 then and now?

2 A. I'm not suicidal now. I certainly was
3 having, at the very least, suicidal thoughts pretty
4 near daily at that time.

5 Q. So when you were sober at Shohola --

6 A. Yes.

7 Q. -- and staying with the Fathers of
8 St. John's, you were suicidal?

9 A. Yes. I had, at the very least,
10 suicidal thoughts. I don't -- I never acted on them.

11 Q. Did you confide those suicidal thoughts
12 to anyone?

13 A. No.

14 Q. Did you have an opportunity to write a
15 letter concerning your observations of St. John's at
16 that time?

17 A. Yes.

18 Q. Tell us the circumstances under which
19 you wrote that letter.

20 A. I wrote a letter to Father Urrutigoity
21 noting the fact that during my stay there, the
22 employees had not been paid, several of them, Tony
23 Mioni and I believe Joseph Mioni, and I noticed that
24 they were spending exorbitant amounts of money,
25 particularly the furniture bill and things like that.

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1 I wrote complaining about that, saying
2 that that's no way for a priestly order to act. I
3 said that the Fraternity of St. Peter is a much
4 larger order, yet lives in, you know, much humbler
5 circumstances and surroundings and so on and so forth
6 and is able to, therefore, dedicate more money to
7 parishes and so on and so forth. I think I cited
8 some scriptural things. I don't remember.

9 Q. Well, were you lucid and mentally
10 competent when you wrote that letter?

11 A. Pretty reasonably, yes.

12 Q. And I take it that was as a result of
13 your conversations with Jeffrey Bond, who was making
14 the same observations at the time?

15 A. Actually, it had very little to do with
16 my conversations with Jeffrey Bond. It had more to
17 do with my conversations with Robert Williams, who
18 was a member of the Society, and my conversations
19 with Tony Mioni.

20 Q. Now, you then were concerned, if I can
21 understand your status at that time. You had
22 suicidal thoughts?

23 A. Yes.

24 Q. You had loving parents that you didn't
25 want to go back to?

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1 A. Yes.
 2 Q. You were somehow chilled because there
 3 were some allegations of groping occurring at that
 4 time?
 5 A. Yes.
 6 Q. And was there any reason why you didn't
 7 leave St. John's?
 8 A. At that time?
 9 Q. Yes.
 10 A. Aside from my own screwed-up sense of
 11 whatever, no.
 12 Q. I don't understand your screwed-up
 13 sense of whatever.
 14 A. By the time I had got clear enough to
 15 realize that this was just not a good place to be, I
 16 left.
 17 Q. Were you asked to leave?
 18 A. Not at that time, no.
 19 Q. When were you asked to leave?
 20 A. I was asked to leave when I wrote the
 21 letter to Father Urrutigoity. Father Fullerton and
 22 Tony Myers pulled me into Father Fullerton's office,
 23 and they cussed at me for about an hour and a half
 24 saying that I was an insolent arrogant prick and that
 25 I had no business making these observations and

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1 Father Urrutigoity was a priest and knew better than
 2 me and I needed to leave the premises unless I wrote
 3 a retraction, which I did.
 4 Q. And you wrote a retraction?
 5 A. Yes.
 6 Q. You were mad. I can see the anger
 7 coming out now.
 8 A. Yes.
 9 Q. You were mad then?
 10 A. Yes.
 11 Q. Are you just as mad or madder then?
 12 A. I was probably a little madder then.
 13 Q. What were you mad about?
 14 A. I was mad at the way that I, myself,
 15 was being treated, that I saw others being treated,
 16 particularly Tony Mioni, and --
 17 Q. And the treatment being that you
 18 weren't being paid?
 19 A. Not just that, but the fact that I
 20 could not bring up an issue of concern without being
 21 told that -- without being told basically that I
 22 couldn't, you know, and that no one seemed to be able
 23 to raise any concern or any doubt towards anything
 24 Father Urrutigoity or any Society member said without
 25 being told that they -- that their concerns weren't

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1 valid.
 2 Q. And that got you mad?
 3 A. Yeah.
 4 Q. What gave you the right, as an occupant
 5 there getting room and board, to comment upon the
 6 financial --
 7 A. I was working for them.
 8 Q. You were working for them?
 9 A. Yes.
 10 Q. So that gave you the right?
 11 A. In the sense that I'm a human being and
 12 can make observations and have reason, yes.
 13 Q. And how did you get access to their
 14 financial situation?
 15 A. I was told then by Joseph Mioni and
 16 Tony Mioni.
 17 Q. So your observations were based on what
 18 somebody else told you?
 19 A. Yes.
 20 Q. You never saw any of the --
 21 A. I saw --
 22 Q. -- books or records, the general --
 23 A. I saw checks coming in from donors
 24 several times that I was in Joseph Mioni's office in
 25 the amounts of thousands.

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1 Q. Who is Joseph Mioni?
 2 A. Joseph Mioni was an employee at the
 3 Society at the time.
 4 Q. And what was his job?
 5 A. If I remember correctly, he was
 6 handling a lot of the ins and outs of the
 7 fund-raising.
 8 Q. Weren't you working in the kitchen at
 9 that time?
 10 A. I was working both in the kitchen and
 11 in the PPS, the Printing and Publication Services,
 12 with Tony Myers and Tony Mioni and James -- I don't
 13 remember his last name.
 14 Q. Tell us your typical day in that period
 15 of time, October and November of 2000.
 16 A. My typical day, I would get up at some
 17 point. I would --
 18 Q. Well, what time?
 19 A. It would vary anywhere from 6 a.m. to
 20 9 a.m. I would go to the office, would work on the
 21 web site until it was time to prepare lunch. I would
 22 prepare lunch with Robert Williams. Then I would go
 23 back to the office and work on the computer, go back
 24 to help prepare dinner, then go back to the office
 25 and go on the computer.

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1 I was setting up and designing not only
2 the web store that the Society is currently using but
3 also their main web page. I did a lot of the
4 graphics design. I did all the itemizings, for the
5 most part, with help from Tony Mioni and James. I
6 did a lot of coding, so on and so forth.

7 Q. Did you confide in them your
8 observations not only concerning the financial
9 activity of the Society but the sexual activity of
10 some of the priests?

11 A. No.

12 Q. Was there a reason why you didn't tell
13 them?

14 A. I was very ashamed.

15 Q. Was there a reason why you didn't put
16 that in a letter?

17 A. To Father Urrutigoity?

18 Q. Or to anyone.

19 A. Ashamed, mostly -- you know, that's the
20 main reason -- and also because I was writing a
21 letter to Father Urrutigoity who did, you know, touch
22 me sexually, so I didn't think that any reference to
23 him concerning misbehavior sexually would be
24 accepted.

25 Q. Well, could you write a letter to your

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1 parents or to any of the priests or to the Diocese?

2 A. I did not feel comfortable doing so.

3 Q. But you felt comfortable writing to
4 Father Urrutigoity about the financial situation?

5 A. In a private manner, yes.

6 Q. Now, did you ever retract that letter?

7 A. Yes, I sent a one -- three-quarters of
8 a page to one-page retraction that I -- in which I
9 stated that I retracted the way in which I presented
10 the first letter but still held my concerns.

11 Q. And what happened after that?

12 A. I remember staying for a little bit
13 longer and then -- I don't think much longer, and
14 then I came back to North Carolina. I had Esteban
15 Defourg drive me out to the train station pretty
16 early in the morning, like 3, 4 a.m., and then took
17 the train back to -- well, into New York City and
18 then back to Raleigh, North Carolina.

19 Q. Now, after you wrote your first letter,
20 did anybody talk to you about that letter, your
21 retraction?

22 A. The retraction?

23 Q. Yes.

24 A. No.

25 Q. You just submitted the retraction, got

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1 on the --

2 A. Father U. -- actually, no. Father U.
3 did come up to me and said he received my retraction
4 and said thank you.

5 Q. And then you got on a train or --

6 A. Yes, several days later, yes.

7 Q. Did you talk to anyone during those
8 several days?

9 A. I have a hard time remembering. I know
10 I expressed distress to Tony Mioni. I did -- I do
11 remember speaking with him concerning the situation.

12 Q. And then you decided just to leave?

13 A. I decided I was fed up and left, yes.

14 Q. And did you tell anybody you were
15 leaving?

16 A. I believe I told Tony Mioni, and I told
17 Esteban. I don't remember who else I told.

18 Q. Did you tell Father Ensey?

19 A. I don't believe he was there at the
20 time.

21 Q. Did you tell Father Urrutigoity?

22 A. I did tell Father U. In fact, I do
23 remember telling Father Ensey. He was there.

24 Q. What did you tell him?

25 A. I believe I said that since the school

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1 wasn't started, I was going to head back to Raleigh.

2 Q. And is that the reason you left?

3 A. That's not the reason I left.

4 Q. What was the reason you left?

5 A. I was fed up with the order, with the
6 situation and was tired of living -- you know, being
7 forbidden to go to AA meetings and did not feel that
8 I would be able to stay sober. I was very depressed
9 and basically just wanted to get out.

10 Q. When you say you were forbidden to go
11 to AA meetings, did they physically restrain you at
12 any time?

13 A. They told me that I could not borrow a
14 car to go to any AA meetings when cars were
15 available. I asked probably over ten times Father
16 Urrutigoity and Father Fullerton for permission, and
17 every time I asked anyone other than Father -- I
18 think when I asked Father Fullerton, he sent me to
19 Father U., and every time I asked, he said, No, you
20 don't need them. You just need to go to Mass or
21 whatever and --

22 Q. Did you have a valid license at that
23 time?

24 A. I did have a valid license, and I was
25 insured.

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1 Q. How were you insured?
 2 A. I was insured on my parents' car back
 3 home, so I did have liability.
 4 Q. On your parents' car?
 5 A. On my parents' car, yes.
 6 Q. Were you covered on any vehicles of
 7 St. John's?
 8 A. No, but that was not the reason that
 9 was given. The reason that was given and the reason
 10 I was told was that AA was full of crap, literally
 11 quoting.
 12 Q. And you said Father Urrutigoity told
 13 you that?
 14 A. Yes.
 15 Q. And he's the only one who told you
 16 that?
 17 A. Yes.
 18 (At this time Defendant's
 19 Exhibit No. 1 was marked
 20 for identification.)
 21 BY MR. COGNETTI:
 22 Q. I'm going to hand you what has been
 23 marked as Exhibit 1 and ask you if this is the letter
 24 you wrote to Father Urrutigoity?
 25 MR. COGNETTI: And I'll disseminate

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1 those.
 2 (At this time documents were handed
 3 to counsel.)
 4 THE WITNESS: Yes.
 5 BY MR. COGNETTI:
 6 Q. And you wrote that?
 7 A. Yes.
 8 (At this time Defendant's
 9 Exhibit No. 2 was marked
 10 for identification.)
 11 BY MR. COGNETTI:
 12 Q. I'll show you what has been marked as
 13 Exhibit 2.
 14 MR. COGNETTI: And, again, I'll
 15 disseminate those.
 16 (At this time documents were handed
 17 to counsel.)
 18 BY MR. COGNETTI:
 19 Q. Are they both accurate as to what is
 20 contained therein?
 21 MR. BENDELL: In the sense that
 22 that's what he wrote?
 23 MR. COGNETTI: Yes.
 24 THE WITNESS: In the sense that
 25 that's what I wrote?

195

1 BY MR. COGNETTI:
 2 Q. Yes.
 3 A. Would you mind if I read it all the way
 4 over to make sure?
 5 Q. Go right ahead, sure.
 6 MR. BENDELL: Take your time.
 7 (At this time the witness reviews a
 8 document.)
 9 THE WITNESS: Yes, for the first
 10 one, that's entirely what I wrote.
 11 BY MR. COGNETTI:
 12 Q. That's Exhibit 1.
 13 A. And Exhibit 2, correct, that's mine.
 14 Q. Were you telling the truth on October
 15 27, 2000, when you wrote Exhibit 2?
 16 A. Yes -- well, I mean, to the extent that
 17 I left myself a loophole where I stated that my
 18 allegiance is first to Christ. I was -- sorry. I
 19 thought you were referring to the first one. I was
 20 telling the truth entirely in the first one. In the
 21 second one, I recanted at great pressure from both
 22 Tony Myers and Father Fullerton, who stated pretty
 23 much exactly what I should write.
 24 Q. So it wasn't truthful?
 25 A. It was not truthful. Elements of it

196

1 were.
 2 Q. Well, why don't you go through it and
 3 tell me what's truthful and what's not.
 4 A. The asking -- the request to accept my
 5 sincere apologies for the validity of my -- my manner
 6 of voicing the second and third sentences. The
 7 statement that my allegiance is first and foremost to
 8 Christ.
 9 Q. They're all true? Are you saying
 10 they're truthful statements?
 11 A. Yes. And actually, I think at the
 12 time, the entirety of this would be true. Let me
 13 just see if there's anything that at the time I
 14 remember writing simply -- the statement that I did
 15 not wish to write at the time but that was told by
 16 Tony Myers to put in there was that I should trust
 17 his judgment in all situations arising.
 18 Q. I don't see that.
 19 A. That's down at the last paragraph,
 20 because I most certainly did not trust his actions.
 21 Q. "I must put my trust in your judgment."
 22 Okay. That's the one line that you felt --
 23 A. Yes.
 24 Q. -- you were forced to put in?
 25 A. Yes.

197

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1 Q. How did they force you to put it in?
2 A. Well, they said that I would -- it was
3 strongly suggested, and at that time, I was very much
4 in the manner of living where I let people walk all
5 over me, so --

6 Q. So? Help me understand what that
7 means.

8 A. Basically because of their reaction and
9 because of their continued insistence that I recant
10 in that manner, I did so rather than standing up for
11 myself.

12 Q. There were no physical threats made?

13 A. No, sir.

14 Q. There were no verbal threats made to
15 you?

16 A. No, sir.

17 MR. COGNETTI: I have no further
18 questions. I'll turn him over.

19
20 **EXAMINATION BY MR. LEESON:**

21 Q. Sir, I have a couple of questions for
22 you, also. I will not be as extensive because a lot
23 of it has been covered, but I do have some areas I
24 need to ask you about.

25 Were your parents married at the time

1 he's still living?

2 A. I don't. Not from that time period,
3 no.

4 Q. How about an office address?

5 A. I don't. It's probably in my medical
6 records.

7 Q. Have your parents ever filed for
8 divorce?

9 A. No, not that I'm aware of.

10 Q. Has there ever been any physical abuse
11 between your mother and father?

12 A. No, sir.

13 Q. Has there ever been any type of legal
14 action between your mother and father of any kind?

15 A. None that I'm aware of, sir.

16 Q. Has there ever been any physical abuse
17 of any of your brothers and sisters?

18 A. No, sir.

19 Q. Other than what we've talked about
20 today, were you ever the victim of a crime?

21 A. I would say Father Christopher Clay,
22 who is mentioned in the case. The Society introduced
23 me to him. He asked me to come over to the oratory
24 where he was staying for dinner. He proceeded to get
25 me roaring drunk. I remember throwing up in his room

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200

1 you were born?

2 A. Yes.

3 Q. Were you ever a victim of physical
4 abuse before entering St. Gregory's Academy?

5 A. None that I'm aware of. I don't
6 remember any.

7 Q. Did you ever have any childhood
8 psychological disorders?

9 A. Documented medically or --

10 Q. Anything.

11 A. I was depressed a bit during middle
12 school while I was at Cathedral just for being made
13 fun of, but that was the extent of it.

14 Q. Did you ever receive any type of mental
15 health care before entering St. Gregory's Academy?

16 A. No, sir.

17 Q. Did you ever see a psychologist or a
18 psychiatrist about your depression?

19 A. I saw that one school counselor once
20 for, I think, half an hour.

21 Q. And that was at Cathedral School?

22 A. Yes, sir.

23 Q. Did you have a pediatric doctor?

24 A. I did. I don't know his name.

25 Q. Do you know where his office is and if

1 all over myself and him taking me into the next room
2 and undressing me and then I woke up naked the next
3 morning.

4 Q. Where did that occur?

5 A. That was at the oratory in, I believe,
6 Stroudsburg where they were staying.

7 Q. Other than that, have you ever been the
8 victim of a crime?

9 A. Not that I'm aware of.

10 Q. I think we've already covered this, but
11 let me be sure. Have you ever been expelled or
12 suspended by any schools?

13 A. No, sir.

14 Q. And I think you've answered this
15 indirectly, but let me just confirm it. You've never
16 been married; is that correct?

17 A. No, sir.

18 Q. I'm correct?

19 A. You're correct in stating that, yes.

20 Q. Have you ever lived with any of your
21 girlfriends?

22 A. No, sir. I've stayed the night over a
23 couple times, but that's been it.

24 Q. Have any of your girlfriends ever
25 become pregnant at your hand as a result of --

201

1 A. Not that I'm aware of.
2 Q. Before you enrolled at St. Gregory's
3 Academy, did you consider yourself to be performing
4 to your full academic potential, or did you consider
5 yourself to be an underachiever academically?
6 A. I considered myself to be a bit of an
7 underachiever academically in the sense that I
8 focused more on reading outside of class and learning
9 that way than I did on my actual class work, but I
10 felt that I was doing well in certain areas,
11 especially in science and in English.
12 Q. And as far as your academic work at
13 St. Gregory's Academy, did you consider yourself to
14 be an academic underachiever there, or do you feel
15 you performed to your full academic potential?
16 A. I don't feel that I performed to my
17 full academic potential, but I didn't really think
18 about it at the time.
19 Q. Did you feel you were in the category
20 of an academic underachiever when you were at
21 St. Gregory's Academy?
22 A. Not really. I felt average.
23 Q. Before you enrolled at St. Gregory's
24 Academy, was there ever a problem with excessive
25 absences or truancy from the schools that you

202

1 attended?
2 A. No, sir. I had the flu a couple times,
3 but --
4 Q. And I think I know the answer to this,
5 but let me just be sure. You've never been in the
6 military, correct?
7 A. Correct.
8 Q. Have you ever applied to serve in the
9 military?
10 A. Yes.
11 Q. You have applied?
12 A. Yes.
13 Q. And when and where was that?
14 A. It was in Raleigh, North Carolina, last
15 year, probably I think in October, maybe before
16 then -- I'm not sure of the exact month when I first
17 applied -- and it was to join the Navy.
18 Q. And do you recall, was there a Navy
19 recruitment office you went to?
20 A. Yes, it was off of Capital Boulevard in
21 Raleigh, and I was turned down due to my rehab.
22 Q. Did you fill out paperwork to --
23 A. Yes.
24 Q. -- apply for the position in the Navy?
25 A. Yes.

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1 Q. Other than fill out paperwork, did you
2 have to undergo any examinations?
3 A. No, it didn't get that far. I was -- I
4 took the ASVAB, which is just a mental test for
5 competency and, you know, kind of IQ type --
6 Q. Did you undergo any interviews in
7 connection with that application?
8 A. Outside the recruitment, no.
9 Q. Other than what we've already talked
10 about today, were there any other hospitals or
11 doctors that have treated you at any time in your
12 life that we haven't already covered?
13 A. I'm really not sure. I can't remember
14 exactly everyone that we covered. I do know that the
15 medical records, my medical records, are full and I
16 believe you guys have a copy of them or close to a
17 full copy of them.
18 MR. BENDELL: Well, no, we haven't
19 obtained all the medical records yet.
20 He's literally asking for every doctor,
21 and that would mean the flu and
22 everything. So if you can remember, you
23 can. If you can't, you can't.
24 THE WITNESS: I can't remember
25 names of -- all the names that I remember

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1 we've discussed today.
2 BY MR. LEESON:
3 Q. Just in follow-up to that, let me just
4 see if this jogs anything in your memory. Before
5 arriving at St. Gregory's Academy, did you have what
6 you considered to be your family doctor, was there
7 such a person?
8 A. I remember we -- because I remember
9 that we switched doctors several times, just between
10 moving from Concord to Raleigh, we switched there,
11 and I think we switched our doctors shortly after we
12 moved to Raleigh due to a change in insurance policy.
13 I do see -- I think the last doctor I
14 saw was Dr. Drabick in Raleigh, and I've seen him
15 several times. We didn't discuss him today, but I've
16 seen him mostly for prescriptions for Celebrex and
17 for Nexium. Actually, did he -- he did prescribe me
18 Nexium, so that's --
19 Q. So the answer is, you don't recall the
20 specific name of a family doctor --
21 A. Right.
22 Q. -- before St. Gregory's?
23 A. Before St. Gregory's, no.
24 Q. And Dr. Drabick, is that D-R-A-B-I-C-K?
25 A. I believe so, yes.

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1 Q. What's his first name?
 2 A. I don't know.
 3 Q. And he's in Raleigh?
 4 A. He's in Raleigh.
 5 Q. Would you consider him to be your
 6 primary treating physician at the present time?
 7 A. Yes.
 8 Q. Do you know what kind of doctor he is?
 9 A. Just a general practice.
 10 Q. Have you ever applied for any type of
 11 insurance benefits, disability, life insurance,
 12 health insurance, medical insurance?
 13 A. Not on my own, no. I've always gone
 14 through my father's policy for health insurance and
 15 on my father's policy for auto insurance. I've never
 16 individually applied, no.
 17 Q. Have you ever applied for Social
 18 Security benefits?
 19 A. No.
 20 Q. Your driver's license, you have one?
 21 A. Yes.
 22 Q. Do you have that with you today?
 23 A. Yes.
 24 Q. Do you mind if we photocopy that before
 25 we adjourn this afternoon?

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1 A. Okay.
 2 MR. LEESON: Somebody, don't let me
 3 forget to do that.
 4 BY MR. LEESON:
 5 Q. Have you ever spent any time in jail?
 6 A. I spent a couple hours waiting to be
 7 bailed out on the misdemeanor marijuana charge that I
 8 mentioned when I was arrested.
 9 Q. And refresh my recollection, where was
 10 that?
 11 A. That was in Raleigh, North Carolina,
 12 and the charges were dismissed.
 13 Q. Father Eric Ensey, do you know if he's
 14 circumcised or uncircumcised?
 15 A. Circumcised.
 16 Q. Same question for Father Urrutigoity?
 17 A. I don't know.
 18 Q. Same question for Father Clay?
 19 A. I don't know.
 20 Q. You mentioned today a number of
 21 incidents of alleged sexual abuse that you indicated
 22 occurred at St. Gregory's Academy. My question to
 23 you is, did you ever complain to anyone at
 24 St. Gregory's Academy about this sexual abuse?
 25 A. No.

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1 Q. And the reason you didn't complain is
 2 what?
 3 A. I was ashamed.
 4 Q. And would I be correct in saying that
 5 you did not complain to anyone from St. Gregory's
 6 Academy about any of the actions of either Father
 7 Urrutigoity or Father Ensey?
 8 A. That would be correct.
 9 Q. Whether it be sexual abuse, alcohol or
 10 anything else?
 11 A. Correct.
 12 Q. You did not register any complaints,
 13 correct?
 14 A. Correct.
 15 Q. It's my understanding -- and correct me
 16 if I'm wrong -- that the first that you did register
 17 a complaint to any representative of the Catholic
 18 Church was approximately December of 2001 when the
 19 letter was written to Washington, D.C. --
 20 A. That is correct.
 21 Q. -- is that correct?
 22 A. Yes.
 23 Q. And that was to the Papal Nuncio?
 24 A. Correct.
 25 Q. And before that letter was written,

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1 neither you nor any member of your family ever
 2 registered a complaint to any member of the Church
 3 about any of the sexual abuse that we've talked about
 4 today; is that correct?
 5 A. Not that I'm aware of. That's correct.
 6 Q. Is there any information or any reason
 7 that you know of that anyone from St. Gregory's
 8 Academy should have known about the sexual abuse that
 9 you described occurred at St. Gregory's Academy?
 10 A. Is there any reason I know of that they
 11 should have known?
 12 Q. Yes.
 13 A. It was pretty -- I think pretty widely
 14 known the amount of time I spent with Father Ensey,
 15 especially late at night, at the very least to my
 16 roommates, if not to the dorm staff. We spent a lot
 17 of time together, very regularly, as I've already
 18 stated, and late at night. So I think that they
 19 should have been clued in on that something was going
 20 on and perhaps asked questions about it, but that's
 21 the only thing I could think of offhand.
 22 The fact that it was at least very
 23 widely known amongst the students that almost -- that
 24 a good portion of the students drank with Society
 25 members, you know, I think pretty much every student

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1 knew that that went on, so I think there should
2 have -- you know, I'm reasonably certain that the
3 dorm staff had some idea.
4 Q. Were there other students that would be
5 up at night and be visiting people around
6 St. Gregory's Academy?
7 A. Yes.
8 Q. Not necessarily students visiting
9 either Father Urrutigoity or Father Ensey, but
10 perhaps visiting other personnel at St. Gregory's
11 Academy after lights out?
12 A. Other Society members, yes. As a
13 general standard, occasionally students would hang
14 out with some of the dorm fathers after lights out,
15 but I think that was the extent of it.
16 Q. So there were occasions when students
17 from St. Gregory's Academy, other than yourself --
18 A. Right.
19 Q. -- would be up out of bed late at night
20 in another adult's room?
21 A. Yes, and with Society members. There
22 were quite a few of them.
23 Q. And also with non-Society members?
24 A. Nowhere near as frequent.
25 Q. But it did occur?

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1 A. It did occur, yes.
2 Q. Now, I have to ask you a series of
3 questions that I understand are sensitive, but I'm
4 just trying to do my job.
5 The first question is, you described
6 the first incident of sexual abuse as being the
7 Thanksgiving incident.
8 A. Correct.
9 Q. And correct me if I'm wrong, but the
10 only physical contact that Father Ensey's penis had
11 with you was with the lips of your mouth; is that
12 correct?
13 A. That I remember, yes, that's correct.
14 Q. Other than that, you don't recall, of
15 your own recollection, any other specific physical
16 contact that Father Ensey's penis had with your body;
17 is that correct?
18 A. Correct.
19 Q. And with respect to the incident we
20 just discussed, was the penis inserted into your
21 mouth or only your lips?
22 A. It was partially inserted into my mouth
23 when I stopped remembering.
24 Q. Can you tell me, was it just to the
25 point of your lips, or was there further insertion?

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1 A. I remember it coming just beyond my
2 lips. That's all I remember.
3 Q. And was it immediately withdrawn?
4 A. I don't remember. I just remember it
5 being inserted, like starting to be inserted, then my
6 memory goes blank.
7 Q. Now, correct me if I'm wrong, because I
8 might be, but other than that specific incident of
9 physical contact by Father Ensey's penis with your
10 body, you don't have any other specific recollection
11 of your body having physical contact with the penis
12 of Father Ensey; is that true?
13 A. As far as I can remember, yes -- I take
14 that back. There was the one time in the shower, I
15 could feel -- I forgot about that -- because I was
16 naked, and when he went to hug me from behind, I
17 could feel his penis on me.
18 Q. And his penis touched your leg or your
19 buttock?
20 A. My buttock and lower back, yeah.
21 Q. Was that a momentary second?
22 A. Momentary second because I quickly
23 turned and left the shower, yes.
24 Q. And then it ended, correct?
25 A. Yes.

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1 Q. And then going back to the Thanksgiving
2 incident, the duration of the physical contact there,
3 as best you can recall it, your only recollection is
4 of a momentary contact?
5 A. Yes.
6 Q. A second and that's about it, correct?
7 A. Yes.
8 MR. LEESON: That's all the
9 questions I have for now. Thank you.
10
11 **EXAMINATION BY MR. O'BRIEN:**
12 Q. Michael, I've been introduced to you as
13 the lawyer for the Diocese of Scranton and for Bishop
14 Timlin. I'm going to ask you a few questions, also.
15 A. Okay.
16 Q. Michael, tell me about your present
17 condition. How do you feel, first of all, as you sit
18 here today?
19 A. Right now as of this moment?
20 Q. Yes.
21 A. Overwhelmed, alternating between just
22 angry and frustrated.
23 Q. Aside from the emotional problems, I'm
24 asking you really, how about your present physical
25 condition?

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1 A. Physical condition?

2 Q. Do you suffer from any illnesses or any
3 maladies in any way related to the problems that
4 you've talked about today?

5 MR. BENDELL: When you say the
6 problems you talked about --

7 MR. O'BRIEN: Related to the alleged
8 molestations.

9 MR. BENDELL: Okay.

10 THE WITNESS: No.

11 BY MR. O'BRIEN:

12 Q. Are you under treatment of any kind at
13 the present time?

14 A. No.

15 Q. And when would be the last time -- and
16 I know you answered this, but just for my own --

17 A. That I sought alcoholic treatment?

18 Q. The last time you sought any kind of
19 treatment.

20 A. Medical, at all, period?

21 Q. Psychiatrist, medical, whatever.

22 A. I saw a doctor several months ago for
23 arthritis.

24 Q. When was the last time that you saw any
25 medical professional for anything related to the

1 then? Has it gotten better, gotten worse?

2 A. It got worse for a while, and I
3 relapsed several times alcoholically and with
4 marijuana a couple times, maybe five times -- five or
5 ten times, actually.

6 Q. Did it at some point thereafter
7 stabilize?

8 A. It began -- my mental condition began
9 to improve when I had my last drink on August 7th of
10 last year.

11 Q. And since August 7th of 2002, you have
12 not had any alcohol at all?

13 A. I have not had any alcohol at all.

14 Q. Have you had any kind of illicit drugs?

15 A. No, sir.

16 Q. No abuse of yourself in any fashion
17 since then?

18 A. No, sir. Drinking too much coffee and
19 staying up too late at night to write papers, but --

20 Q. And what have you done with yourself?
21 Have you worked --

22 A. I've been working at --

23 Q. -- steadily since then?

24 A. -- Bruegger's Bagels, and I've been
25 going to school.

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1 molestations that you described today?

2 A. It was Dr. Phillip Hillsman, and it was
3 probably some time in June or July of 2001.

4 Q. 2001. And did you go for a course of
5 treatment with him?

6 A. I saw him as a follow-up for a little
7 while from my rehab.

8 Q. And did you conclude some type of
9 treatment with him? Did he discharge you from
10 treatment?

11 A. No, I just decided not to go.

12 Q. And why was that decision made?

13 A. I didn't want to face the things that
14 we were discussing, and I also felt that I didn't
15 need to be on medication.

16 Q. You did not need to be on medication?

17 A. That's what I felt.

18 Q. What medication did he have you on?

19 A. I was on, I want to say, Seroquel and
20 Depakote.

21 Q. So since the Summer of 2001, you have
22 not had any medical treatment or any psychiatric
23 treatment, any kind of therapy?

24 A. Not that I'm aware of.

25 Q. How has your condition progressed since

1 Q. So your condition has improved, I take
2 it?

3 A. Yes.

4 Q. And do you feel the need at this point
5 in time for any type of treatment?

6 A. Outside of AA, no.

7 Q. Do you continue to go to AA?

8 A. Yes.

9 Q. And how often do you attend meetings?

10 A. Three to five times a week, depending
11 on the week.

12 Q. Would it be fair to say that you're
13 considerably healthier today than you were, say, when
14 you quit drinking last August?

15 A. Absolutely.

16 Q. Do you sleep better?

17 A. Yes. I still have nightmares, and it's
18 still erratic, but it's better.

19 Q. The nightmares would be less frequent
20 as time goes on?

21 A. They've been averaged out to about two
22 a week for the last three months.

23 Q. And how about before that, how often?

24 A. Before then, three to five nights a
25 week.

<p style="text-align: right;">217</p> <p>1 Q. So it would be fair to say they are 2 less frequent, becoming less frequent? 3 A. Yes. 4 Q. Do you practice your religion at this 5 time? 6 A. No. I don't have a religion, sir. 7 Q. What is your religious philosophy at 8 this time? 9 A. I believe that there is a God, I 10 believe there's a creator and I -- leave it at that. 11 Q. Do you believe in Christ? 12 A. No, sir. 13 Q. Do you believe in the nonexistence of 14 Christ? 15 A. I don't -- I have not made up my mind 16 one way or the other. 17 Q. Do you presently have a significant 18 other or relationship that you're in? 19 A. No, sir. 20 Q. And have you since you became sober? 21 A. I had been dating, off and on, Mildred 22 Breedlove. We broke up going on three months ago. 23 Q. Can you tell me why that happened, why 24 you broke up? 25 A. We were getting in too many fights. It</p>	<p style="text-align: right;">219</p> <p>1 earlier, just in regards to the students making fun 2 of me at my middle school. 3 Q. But any kind of clinical depression? 4 Did you ever have treatment or take medicine for 5 depression? 6 A. No. 7 Q. Your drinking history prior to 8 St. Gregory's, I think you said something about 9 having your first drink at eight years old; is that 10 right? 11 A. Yes, it was at a wedding, and champagne 12 was going around for the toast. 13 Q. How often, if ever, did you abuse 14 alcohol prior to going to St. Gregory's? 15 MR. BENDELL: So you want the whole 16 history from age eight up until -- 17 MR. O'BRIEN: Well, not the whole 18 history. I'm just asking how often. 19 THE WITNESS: How often I abused 20 it? 21 BY MR. O'BRIEN: 22 Q. Yes. How often would you say you were 23 drunk from the age of eight until you met the priests 24 from the Society? 25 A. I was probably drunk less than five</p>
<p style="text-align: right;">218</p> <p>1 just -- largely, it was just a matter of she wasn't 2 happy with my questioning of Christianity, and I 3 didn't feel that she was open-minded enough in 4 regards to certain things. She nagged me to quit 5 smoking, things like that, but -- 6 Q. Do you still smoke? 7 A. Yes, sir. 8 Q. Now, prior to your going to 9 St. Gregory's -- or better yet, prior to your ever 10 meeting anyone, any priest from the Society, prior to 11 that time, had you ever attempted suicide? 12 A. Not that I'm aware of, no. 13 Q. Had you ever taken illicit drugs? 14 A. No. 15 Q. You never had any cocaine or mescaline 16 or marijuana, anything like that? 17 A. No. 18 Q. That all happened after you met Father 19 Ensey? 20 A. Yes. 21 Q. No free basing? 22 A. No, sir. 23 Q. Had you ever suffered from any type of 24 depression? 25 A. Depression, yes. I spoke about it</p>	<p style="text-align: right;">220</p> <p>1 times. 2 Q. When you drank at St. Gregory's, would 3 you always drink to excess? 4 A. There may have been a couple occasions 5 where I didn't. I don't remember not drinking to 6 excess. 7 Q. Was it the habit at St. Gregory's to 8 have alcohol with meals, wine, for example? 9 A. Formal dinners, like graduation 10 dinners, occasionally, yes, if you were a senior. 11 Q. Are you aware of any other students at 12 St. Gregory's that were either plied with alcohol or 13 became drunk? 14 A. With the Society? 15 Q. Yes, any other students. 16 A. Students, yes. 17 Q. Can you name them? 18 A. Eric Kopec, Gareth Hudson. 19 Q. Okay. Let me get them. Kopec, 20 K-O-P-E-C? 21 A. Yes. 22 Q. Go ahead. 23 A. Gareth Hudson, Garrett Van Beek. 24 Q. Van, V-A-N, B-E -- 25 A. B-E-E-K, I think. I'm not sure on the</p>

Michael F. Prorock - 4/30/03

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223

1 spelling: Michael D'Tar.

2 Q. Detar, D-E-T-A-R?

3 A. D'-T-A-R, I believe. Lawrence Rich.

4 Q. Lawrence Rich, R-I-C-H. Are these all
5 your classmates?

6 A. This is ranging from freshman -- these
7 were students at St. Gregory's while I was there
8 during the time period of --

9 Q. And these were all students that would
10 have been supplied alcohol to excess?

11 A. By the Society of St. John's.

12 Q. Anyone else?

13 A. John O'Brien, Michael Miller, Frederick
14 Martin -- I'm trying to dredge up names -- Frederick
15 Frazer while he was a dorm father and still underage.

16 Q. Were these individuals all underage?

17 A. Yes.

18 Q. And how were they provided the alcohol?

19 A. Well, I mentioned the one time that we
20 were at the gazebo, and that was openly. I know
21 Michael D'Tar mentioned to Father Ensey -- mentioned
22 to me that Father Ensey gave him, you know, beer and
23 wine on more than one occasion. Gareth Hudson told
24 me about Father Urrutigoity giving him alcohol on
25 more than one occasion, the same with Eric Kopec.

1 think it was when he was a freshman -- in the same
2 bed in his boxers with Father Ensey, who was also in
3 his boxers.

4 Q. And where was that?

5 A. In his room.

6 Q. In Father Ensey's room?

7 A. Yes.

8 Q. You talked a little bit about this
9 event with a Father Clay in Stroudsburg.

10 A. Yes.

11 Q. Do you know approximately when that
12 happened?

13 A. I want to say it was in the fall of my
14 junior year, but I have a real hard time placing it.

15 Q. Which would have been the fall of what
16 year?

17 A. Fall of my senior year. Sorry.

18 Q. Fall of 1998?

19 A. '98, I believe so. I'm not positive on
20 that, though.

21 Q. That particular event that you spoke
22 about, the sleeping, was that the only other student
23 that you are aware of that slept with one of the
24 priests?

25 A. No. On several occasions, I saw both

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224

1 Generally, all directly either with --

2 Q. Do you --

3 MR. BENDELL: Let him finish
4 answering. Answer the question.

5 THE WITNESS: Generally, it was
6 mentioned either in the terms of spiritual
7 direction, or they were just hanging out
8 and offered a drink.

9 BY MR. O'BRIEN:

10 Q. What do you mean by "spiritual
11 direction"?

12 A. The -- what I was describing. I
13 gathered it was the exact same thing, meeting for
14 sort of extended counseling concerning spiritual
15 matters.

16 Q. Do you know of any other students
17 similar to the ones you identified who were sexually
18 abused?

19 A. I don't.

20 Q. Did you ever discuss the possibility of
21 them being sexually abused with them?

22 A. With them, no.

23 Q. No one ever told you that they were
24 sexually abused?

25 A. No. I did see Michael D'Tar -- and I

1 Eric Kopec and Gareth Hudson in the same bed in their
2 boxers with Father Urrutigoity.

3 Q. Was that at night?

4 A. At night.

5 Q. Now, let me take you back a little bit
6 before, again, St. Gregory's. Had you been -- I just
7 missed this. Were you raped someplace before or gang
8 raped someplace before by other individuals?

9 A. The only time that anything like that
10 happened was at Thomas Aquinas College, so that was
11 afterwards.

12 Q. That was afterwards?

13 A. Yes, sir.

14 Q. What happened there?

15 A. That was the incident I described where
16 I was forcibly held down when I came back to my dorm.

17 Q. Were there any charges filed as a
18 result of that --

19 A. No.

20 Q. -- or did you report that to anybody?

21 A. Someone else reported it to -- and
22 other incidents by these same students -- to the
23 dean, Brian Kelly, I think, Dr. Brian Kelly, I think
24 was the dean at the time. It was Dr. Kelly, I think
25 it was Brian. I guess he spoke with the students and

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1 placed them on academic probation basically saying
2 that they had to get good grades or they would get
3 kicked out.
4 As far as I know, no disciplinary
5 action was taken. I was basically told that he would
6 take care of it, and nothing ever happened as a
7 result. That was one of my reasons for leaving
8 Thomas Aquinas.
9 Q. The stay that you had in this
10 Transitions Recovery Program, that was in Miami
11 Beach?
12 A. North Miami Beach, yes, sir.
13 Q. You stayed there for approximately a
14 month and a half or so?
15 A. Two months, yeah, approximately two
16 months.
17 Q. At the time you were there, you would
18 apparently at different times be interviewed, give
19 various information to different people. Was there
20 any concealment of any kind at that time, or were you
21 completely open and honest with them?
22 A. There was concealment to the extent
23 that my mind was really hazy. I had just spent three
24 days in the ICU from -- prior to that due to an
25 extreme overdose, intentional suicide attempt. My

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1 head was not very clear.
2 Q. So there were memory problems?
3 A. There were memory problems, yes.
4 Q. You were dishonest?
5 A. There was no intentional concealments
6 that I'm aware of.
7 Q. So that the information that you might
8 have given them during this two-month period would
9 have been the best you could have done at the time?
10 A. Yes.
11 Q. Mike, I just want to show you a couple
12 of letters. The first one is dated -- it's a copy of
13 a letter dated February 26, 2002. I'm sorry I don't
14 have a copy -- if you could give it to your counsel
15 first.
16 A. (Witness complies.)
17 Q. I'll just describe it. That's a letter
18 that was sent to you. By the way, did you live at
19 121 Benedict Lane, Raleigh, North Carolina --
20 A. Yes.
21 Q. -- 27614?
22 A. That was my permanent address, yes.
23 Q. That was a letter that was sent to you
24 or purportedly sent to you by James Earley, who is
25 the Chancellor of the Diocese of Scranton. Did you

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1 receive that letter?
2 A. I believe so, yes.
3 Q. And let me just describe it for
4 everyone. The letter essentially says that there had
5 been some matters that had come to the Bishop that
6 he's investigating with regard to possible
7 misconduct, and if you have any information or can
8 provide them with any information, please get back to
9 them so that they can continue the investigation.
10 Did you make any contact with
11 Mr. Earley after you received that letter?
12 A. I believe we already had counsel at
13 that time. My father passed it on to them, just
14 basically saying --
15 Q. Did you, yourself --
16 MR. BENDELL: Whoa, whoa, whoa.
17 Finish your answer.
18 THE WITNESS: I basically -- my
19 father said he would take care of it, and
20 I believe he said he was going to pass it
21 on to counsel. I did not directly
22 contact him.
23 BY MR. O'BRIEN:
24 Q. You did not directly. All right. And
25 that was, of course, after the letter to the Papal

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1 Nuncio?
2 A. Yes.
3 Q. The second letter I'm going to show you
4 is a letter dated November 17th, 2002. This letter
5 was written by the Very Reverend Girard M. Sherba,
6 Ph.D., JCD. He was appointed the Instructing Judge
7 and Notary to examine the allegations of sexual abuse
8 you made against Father Ensey. Did you also receive
9 that letter around November 17th, 2002?
10 A. Yes.
11 Q. And did you also just pass that on to
12 your counsel?
13 A. Yes.
14 Q. So you didn't make any response to
15 that?
16 A. I did not make a direct response, no.
17 Q. Do you know Bishop Timlin at all?
18 A. I've met him several times.
19 Q. Where have you met him?
20 A. He confirmed me and I served Mass for
21 him at Society Masses and I believe one other time
22 when he was at St. Gregory's for Fraternity --
23 Q. Take me back to the first time you met
24 him, then. He confirmed you. Was that at
25 St. Gregory's?

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1 A. That was at St. Gregory's.
 2 Q. Do you know when that was?
 3 A. My sophomore year.
 4 Q. Did you happen to have any conversation
 5 with him about St. Gregory's?
 6 A. I don't remember.
 7 Q. Were you just one of many students who
 8 were being confirmed?
 9 A. I was one of the students.
 10 Q. And then when was the next time you met
 11 him?
 12 A. I don't know.
 13 Q. How many other times did you meet him?
 14 A. I can't say for certain, maybe three.
 15 Q. And would it have been each time at
 16 St. Gregory's or somewhere else?
 17 A. I believe I met him briefly down at the
 18 rectory once when I was serving a Society mass down
 19 at the Cathedral here.
 20 Q. The Cathedral?
 21 A. Yes.
 22 Q. In Scranton?
 23 A. Yes.
 24 Q. And he was saying the Mass?
 25 A. I believe so, yes.

1 Q. How about Bishop Dougherty?
 2 A. I have met Bishop Dougherty, yes.
 3 Q. Where did you met him?
 4 A. At St. Gregory's.
 5 Q. Same kind of --
 6 A. Same kind of deal.
 7 Q. Did you ever have any conversations
 8 with him?
 9 A. Not to my knowledge.
 10 Q. So you never had any conversations with
 11 anybody from the Chancery or the Diocese either
 12 before or after your allegations were made in '01 or
 13 since then and even until now?
 14 A. That's correct.
 15 Q. Now, in this letter that's entitled
 16 Defendant's Exhibit No. 2, this is the
 17 reconsideration letter, if I can call it that. The
 18 very first sentence says, "After reconsideration of
 19 my previous letter and in light of the Bishop's
 20 recent endorsement of the actions of the Society of
 21 St. John." What do you mean by that?
 22 A. If I remember correctly, in one of the
 23 newsletters, they had posted a letter from Bishop
 24 Timlin or -- that, or I was either told -- I believe
 25 that was with news in reference to --

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1 Q. Do you recall ever having any
 2 conversation with him?
 3 A. Not to any extent. I remember him
 4 shaking my hand twice. That's all.
 5 Q. Did you also meet him out at
 6 St. Gregory's for something else?
 7 A. He was at my Confirmation. He did our
 8 Confirmation out there. I then remember him being up
 9 at St. Gregory's a couple times, but I don't
 10 remember --
 11 Q. Do you have any idea why he was there?
 12 A. I believe to say Mass.
 13 Q. And do you know whether or not you
 14 attended the masses?
 15 A. I believe so, yes.
 16 Q. And aside from those instances that you
 17 mentioned, did you ever have any other discussions or
 18 conversations with the Bishop?
 19 A. Not that I'm aware of, no.
 20 Q. How about James Earley, did you ever
 21 meet James Earley, the Chancellor of the Diocese?
 22 A. I may have. I met one priest from the
 23 Diocese at one point.
 24 Q. He's not a priest.
 25 A. Okay. No, then, I don't think so.

1 Q. Endorsement of what, though?
 2 A. What?
 3 Q. Endorsement of what? Do you know?
 4 A. The Society in general.
 5 Q. The founding of the school?
 6 A. No, it was more towards their work in
 7 terms of trying to found a village and college, if I
 8 remember correctly. I'm very hazy on my memory of
 9 that. I remember seeing something from the Bishop,
 10 but I don't remember exactly what.
 11 Q. So it would be fair to say that you
 12 don't recall at this time literally what you meant by
 13 in light of the recent endorsement of the actions?
 14 A. That is correct, sir.
 15 Q. So you wouldn't know why you might have
 16 retracted previous complaints, if you will, in light
 17 of his endorsement?
 18 A. Yes.
 19 MR. O'BRIEN: Okay. That's all I have.
 20 Thank you, Michael.
 21

FURTHER EXAMINATION BY MR. COGNETTI:

22 Q. I have just one question based upon
 23 some things Jimmy asked you because I'm confused.
 24 Referring back to the incident that
 25

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1 happened at St. Thomas Aquinas College, you did not
2 report that to anyone?

3 A. I did not personally report it.
4 Someone came to me about it, and then I spoke to the
5 dean about it.

6 Q. Just work me through that chronology,
7 please. Who came to you about it?

8 A. I don't remember. Just in all honesty,
9 I remember speaking to the dean. I don't remember if
10 he had asked me to or if someone had said I need to
11 speak to him concerning a similar thing, you know,
12 that he had spoken -- Josh Clark may have said, I
13 spoke to the Bishop -- or to -- sorry. My head is
14 getting troubled.

15 Josh Clark had similar incidents happen
16 to him by these same three guys out there. He was a
17 friend of mine. I don't remember if it was before or
18 after that he had -- I spoke to the dean out there,
19 that he stated that he had also and that I should
20 speak to him in detail.

21 Q. Did you ever speak to the dean in
22 detail?

23 A. Yes.

24 Q. And who was that dean?

25 A. The last name was Kelly, and I believe

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1 the first name is Brian.

2 Q. Did you give him a detailed description
3 of what you alleged happened?

4 A. Fairly detailed, yes. I left off -- I
5 described it in a general way. I didn't describe
6 specific body parts. I stated that his crotch area
7 was thrust into my face, I remember stating that, and
8 I remember stating that he was sitting on my back
9 performing actions that I'd rather not talk about,
10 and I believe that's the extent of the detail that I
11 spoke to him about.

12 Q. Well, when you generally described it
13 to him, did you emphasize the sexual nature of the
14 encounter?

15 A. Yes.

16 Q. And how did you do that?

17 A. I stated that they had assaulted me
18 sexually -- that was my own words -- and I also
19 stated that they made frequent sexual comments
20 towards me.

21 Q. I didn't hear that before. What were
22 the frequent sexual comments?

23 A. I stated before concerning them saying
24 things like, Well, we're going to fuck you up the ass
25 and things like that.

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1 MR. COGNETTI: That's all the
2 questions I have.

3 MR. BENDELL: Okay. That's it.

4
5 (At this time the deposition
6 in the above-captioned matter
7 was concluded.)
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C E R T I F I C A T E

I, Michele Connor, a Notary Public in and for Lackawanna County, Pennsylvania, do hereby certify that the deposition was reported in machine shorthand by me, that the said witness was duly sworn/affirmed by me, that the transcript was prepared by me or under my supervision and constitutes a complete and accurate record of same.

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.



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Michael F. Prorock - 4/30/03

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Michael F. Prorock - 4/30/03**Year - Zalesko**

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Reverend Father,

More and more, as I live and work with the Society, I am disturbed by several issues. Though I do agree whole heartedly with all that is contained within the founding document as well as your practice in regards to the liturgy, the way in which you handle practical matters worries me.

For instance: The ammount of money that was recently spent on furniture. Yes, I realize that furniture is a nescesary thing, and I realize that furniture bought for use by guests should be of a higher class than is used by the members, however good furniture may be bought for a much lower price than that which was paid, and furthermore, the purchased funiture is more extravagant than useful. How often does the pope come to visit? How often do esteemed visitors stay overnight? How much are we in debt? I think it shameful and degrading that every time I enter the local grocery store with a Society member we are reminded that the bill for the last month or more has not been paid. This is downright absurd! Money is being spent in places where it is not absolutely needed. Is it not true that the printers have not been paid for the last three publications. Why then is there such a drive to pay off long term debts (such as for the property) when immediate and essential debts are at hand.

If you wish to mantain any level of decent credit, comon sense would dictate that the debts owed to those who are esential in order to keep the Society in buisiness are paid and paid on time, situations permitting. These debts would include the employees' payroll, the food bills, bills for publication, etc. You should be ashamed that the people who allow you to maintain your rigorous schedule, such as the Mioni's, Dan, and Mr. Price are told that you don't have the money to pay them, once again, and could they please wait just a little bit longer. My question is untill when, are they supposed to support their families on nothing. Be glad they are unselfish and charitable else you would have no one to work for you. As I see it you owe them a debt greater than words can say.

I understand that the financial situation is tight. But I also understand that it doesn't have to be. The Fraternity, which is a much larger order lives in nowhere near the luxury that the Society does, nor do they spend money as frivolously as you do. This is not meant as a personal attack, but is simply a large concern for me as I have a desire to live, work, and raise a family in the community proposed by the Society. How can I expect to have any financial security within a group that wastes, and I do say wastes, money on unescenary matters. Poverty is an essential part of the life laid forth in the Gospels and moderation is something the Society claims to stand for.

Frivolous spending however it what i see within the Society and I do not see that early financial mistakes have been learned from, nor do I see any movement towards correcting past and current mistakes in regards to finance. Some mistakes cannot be helped as they go along with human nature, but learning from those mistakes, dealing with their consequences, and doing all that can be done to be honest about them and correct them is something demanded by Charity, Justice, and Good Will.

Though these concerns are not mine directly, they are mine in so far as I love the Society and all that it is trying to do. If you would desire to discuss these concerns at some time, please, let me know and I will be glad to as there is much that cannot be put into a brief letter. Above all though, I trust in your prudence and in the grace and protection of God to direct your decisions to the proper outcomes.

**DEFENDANT'S
EXHIBIT**

4/30/03

MC

Respectfully Yours In Christ,
Michael F. Prorock

P.S.>>--> I know that I do not know or see the full scheme of things, nor do I care to, I am just relating my own concens with what I see within the Society. These opinions are not held by me alone, but by a much wider group of people and though I assure them to trust in your judgement and in God, these issues do concern me and I thought it would be best to let you know what I myself, and many people see and think of the actions of the Society of St. John. In Charity, and in Christ, M.

Friday, 27 October, 2000

Reverend Father,

After reconsideration of my previous letter and in light of the the Bishop's recent endorsment of the actions of the Society of Saint John, I would ask you to accept my most sincere apologies. In the first place, though there may have been some validity to my concerns, my manner of voicing them was most inappropriate and disrespectful. I am sorry that I handled the matter in such a hasty and irresponsible manner. Though I cannot take back the words that I have written I do recant them, and hope that they have been the cause of little or no damage. I wish to express my gratitude for all that the Society has done for both myself and, more importantly, for the Church. On top of this, I would state clearly that my allegiance is first and formost to Christ, then to his Church here on earth, and then, finally (n.b. "the last shall be first") to the Society of Saint John, as they live a truly Christian life, and live it in a way that no one else does.

I assure that I will continue to do all that I can for the Society where ever I may be, and hope that you will know that you have my most complete and total faith in all matters. I would also assure you that, from the beginning, I have never had any ill-will or malicious intent concerning the Society, either on the individual level or as a whole. On top of this, I hope that no matter how poorly I voiced my concerns in my previous letter, it is known and understood that my intentions were good and out of concern for the good of the whole, and, furthermore, not meant as an attack against either against you personally or against the Society as a whole . It was for this reason that I delivered the letter privately and personally rather than voicing my concerns openly, or in a public manner. It is also for this reason that I do my utmost to drive my own doubt and fear away, and when questioned about the Society, voice only that which I know for certain to be true, and staunchly support the Society, in all it's actions.

I realize my foolishness in acting rashly and without careful thought and hope that you will dismiss my treatment of the matter as youthful stupidity. A youthful stupidity which, in this case, I have learned from. I put my trust in your judgment of all situations arising and though I may have some difference of opinion with you in certain matters, those matters are trivial and I am sure that all of your actions are made with careful and close consideration, and therefore to be respected and not questioned. Once again I apologize, and beg you to forgive my rash actions, with my own assurance that I will act and work continually for the good of the Society of Saint John, in humble submission to God's will, and with complete trust in your judgement of both earthly and spiritual matters.

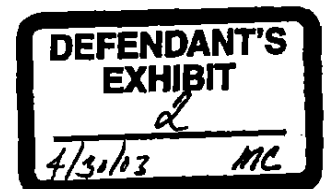
My thanks for your time and patience.

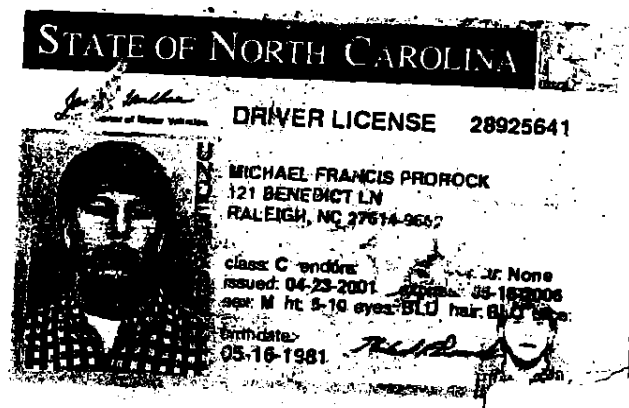
In the Peace and Love of Christ,

Michael F. Prorock
Michael Prorock

P.S. If you would, could you please pass this letter, or at least my remorse and recantation,

to all of those who have read my previous letter. PAX, M.







OFFICE OF THE CHANCELLOR

DIOCESE OF SCRANTON
100 WYOMING AVENUE
SCRANTON, PENNSYLVANIA 18503
(717) 346-2200

February 26, 2002

Mr. Michael Francis Prorock
121 Benedict Lane
Raleigh, NC 27614

Dear Mr. Prorock,

Allegations of misconduct against two priests of the Society of St. John have been brought to the attention of the Most Reverend James C. Timlin, Bishop of Scranton. The allegations concern priests who were in residence in Shesham during the years 1992-1993. As part of the Bishop's investigation of the priests in question, the Diocese is attempting to contact young men who attended Saint Gregory's Academy during the time when priests of the Society were present at the school.

Please contact me if you have any direct knowledge of any misconduct on the part of any priests of the Society of St. John. You may contact me in writing, by fax, or by email at the following:

James R. Earley
Chancellor
Diocese of Scranton
100 Wyoming Avenue
Scranton, Pennsylvania 18503

Fax: 717-346-2204
Email: jearley@diocesets.net

Thank you for your serious consideration of this request for information. May God bless you in all of your endeavors.

Very truly yours,

James R. Earley
James R. Earley
Chancellor

FROM :

1902.11-25 12:23 8782 P.03/03



Sacred Heart Cathedral

Office of the Rector

17 November 2002

Mr. Michael Prorock
121 Benedict Lane
Raleigh, North Carolina 27614

Dear Mr. Prorock:

His Eminence, Cardinal Ratzinger has asked Bishop Timlin of the Diocese of Scranton to appoint an Instructing Judge and Notary to examine the allegations of sexual abuse you have made against Father Eric Ensey, a priest of the Society of St. John, which you have asked the Congregation for the Doctrine of the Faith. Thus, Bishop Timlin has appointed me the Instructing Judge and the Reverend Stephen Smith, OP, JCD, as the Notary.

Father Smith and I are to complete the preliminary inquiry by taking the required formal deposition from you and forward it to the Congregation for the Doctrine of the Faith.

I am the Vicar Judicial of the Diocese of Raleigh as well as Rector of Sacred Heart Cathedral here in Raleigh and Father Smith is the Defender of the Bond and Promoter of Justice for the Diocese of Raleigh. Other than being appointed by Bishop Timlin for these specific duties, we are in no other way connected with the Diocese of Scranton or the Society of St. John.

I would ask that you contact me at 832-6030 (Sacred Heart Cathedral) in order that we may set a mutually convenient appointment so your formal deposition may be taken and sent to the Congregation in a timely manner so your case may progress.

Thank you for your kind attention in this very injurious and serious matter.

Sincerely yours in Christ,

Very Reverend Girard M. Sherba, PhD, JCD
Rector

talk to him

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR., and	:	NO. 3 CV 02-0444
JANE DOE,	:	
Plaintiffs,	:	
	:	(JONES, D.J.)
vs.	:	
	:	
FATHER ERIC ENSEY,	:	
FATHER CARLOS URRUTIGOITY,	:	
DIOCESE OF SCRANTON,	:	
BISHOP JAMES C. TIMLIN,	:	
THE SOCIETY OF ST. JOHN,	:	
THE PRIESTLY FRATERNITY	:	
OF ST. PETER and ST. GREGORY'S	:	
ACADEMY,	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, JOSEPH F. LEESON, JR., ESQUIRE, hereby certify that true and correct copies of the foregoing Motion for Summary Judgment on Behalf of The Priestly Fraternity of St. Peter and St. Gregory's Academy, Brief in support thereof and Affidavit of Joseph F. Leeson, Jr. in support thereof, were forwarded to the following at the addresses indicated via U.S. Mail, postage prepaid on the date indicated below:

James Bendell, Esquire
2535 Ivy Street
P.O. Box 587
Port Townsend, WA 98368
Attorney for Plaintiffs

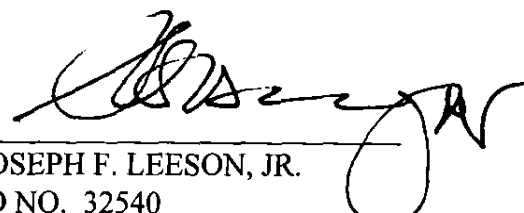
Harry T. Coleman, Esquire
Courthouse Square
148 Adams Avenue
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Date: May 28, 2004

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May 28, 2004

VIA FEDERAL EXPRESS

Mary E. D'Andrea
Clerk of Court
United States District Court
Federal Building
U.S. Post Office and Courthouse
Scranton, PA 18501

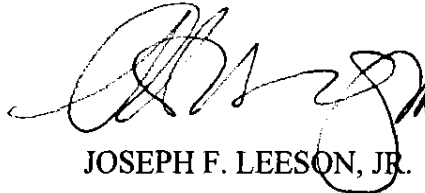
Re: **Doe vs. Ensey, et al.**
Civil Action No: 3:CV02-0444
Our File: 20-2-02D

Dear Ms. D'Andrea:

Enclosed are proposed Orders of Court, Motion for Summary Judgment of Defendants, The Priestly Fraternity of St. Peter and St. Gregory's Academy, Pursuant to Fed.R.Civ.P. No. 56, Brief in support thereof and Affidavit of Joseph F. Leeson, Jr. in support thereof.

Please file. Thank you.

Very truly yours,



JOSEPH F. LEESON, JR.

JFL,JR/dja

Enclosures

cc: Honorable John E. Jones, III
James Bendell, Esq.
Harry T. Coleman, Esq.
Sal Cagnetti, Jr., Esq.
James E. O'Brien, Jr., Esq.
Joseph F. Gaughan, Esq.

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